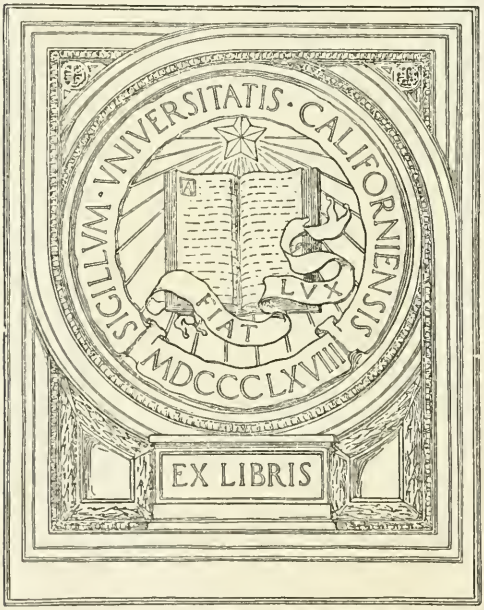

HOUSING AND TOWN PLANNING, &c., ACTS,

TOGETHER WITH

REGULATIONS AND CIRCULARS

OF THE MINISTRY OF HEALTH

RELATING TO

FINANCIAL ASSISTANCE TO LOCAL AUTHORITIES AND PUBLIC UTILITY SOCIETIES.

AND

BORROWING BY LOCAL AUTHORITIES, BYE-LAWS, MODEL FORM OF CONTRACT, &c., &c.

BY

The Editor of the Local Government Journal.

LONDON:
THE LOCAL GOVERNMENT JOURNAL,
7, CHICHESTER HOUSE, CHANCERY LANE, W.C. 2.
OCTOBER, 1919.

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PREFACE.

This publication has been delayed in the press in order to bring into the Appendix new regulations, rules and orders under the Housing, Town Planning, Etc., Act, 1919. In the meantime, to facilitate the working of the Act the Ministry of Health have issued very many memoranda, circulars, and other explanatory publications. These were intended to meet the needs of the moment and are accordingly not given, except as excerpts and notes to the more permanent matter. At the moment of going to press the Ministry of Health have issued the Housing Acts (Form of Orders and Notices) Order, 1919, under section 41 of the Housing, Town Planning, Etc., Act, 1909. It is regretted that this order has proved too lengthy to insert while going to press.

THE EDITOR.

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CORRIGENDA.

Page 22.—Note 3 to section 19—for "carried out before the passing of the Act." read "carried out within three years after the passing of the Act."

Page 64.—As Note to section 41 (1) read "Forms are prescribed by the Housing Acts (Form of Orders and Notices) Order, 1919 M.O.H. 53.

INTRODUCTION.

A REVIEW OF THE HOUSING ACTS.

By the Editor of the "Local Government Journal."

This handbook is mainly concerned with the Housing, Town Planning, &c., Act of 1919. But that Act cannot be interpreted and its provisions cannot be fully understood without a knowledge of previous Acts. The first Housing Act was the Labouring Classes Lodging Houses Act, 1851. This was followed by some eight Acts affecting the housing of the working classes in England and Wales, and special Acts affecting housing in Scotland and Ireland. These Acts, however, were repealed by the Housing of the Working Classes Act, 1890, which was a consolidating and amending Act and is the parent Act of subsequent housing legislation. Accordingly in this handbook we deal with the Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70), herein referred to as the principal Act; the Housing of the Working Classes Act, 1894 (57 & 58 Vict. c. 55), which, however, is only a one-section Act and is given as a note to section 43 (1) of the Act of 1890; the Housing of the Working Classes Act, 1900 (63 & 64 Vict. c. 59), herein referred to as the Act of 1900; the Housing of the Working Classes Act, 1903 (3 Edw. 7, c. 39), herein referred to as the Act of 1903; the Housing, Town Planning, &c., Act, 1909 (9 Edw. 7, c. 44), herein referred to as the Act of 1909; and finally the Housing, Town Planning, &c., Act, 1919 (9 & 10 Geo. 5, c. 35), herein referred to as the Act of 1919. The texts of the principal Act of 1890 and the Acts of 1900, 1903 and 1909 have been considerably amended since they were originally enacted, and will be found herein given as they stand in text to date, with the source of any alteration of text from the original indicated in brackets. It is to be noted that none of the Housing Acts contains a definition of the expression "working classes" or the expression "houses for the working classes" for the general purposes of those Acts. The Acts merely contain definitions for special purposes. Thus section 75 of the principal Act for the purposes of that section defines the expression "letting for habitation by persons of the working classes" as meaning "the letting for habitation of a house or part of a house at a rent not exceeding in England the sum named as the limit for the composition of rates by section 3 of the Poor Rate Assessment and Collection Act, 1869" (namely, in the Metropolis £20, Liverpool £13, Manchester and Birmingham £10, and elsewhere £8—limits which have since been raised by section 14 of the Act of 1909). And similarly for the purposes of section 3 of the Act of 1903 the Schedule to that Act defines the "working class" to "include mechanics, artisans, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them." The Settled Lands Acts contain another definition for their own purposes. But all these definitions are definitions for special purposes. The absence of a definition for the purposes generally of the Housing Acts was raised in the House of Commons during the debate on the Act of 1919, and definitions were attempted on amendments by private members but were abandoned. Local authorities will therefore place their own definition on the expression "working classes" by the type of houses they erect with the approval of the Ministry of Health. It is intended that the term should be liber-

ally interpreted, and that no rigid criterion should be adopted—(circular letter dated 25th August, 1919, issued by the Ministry of Health to local authorities).

In a review of the provisions of the Housing Acts it is convenient to deal with the different schemes they now require from local authorities. Such schemes may be divided into:—

1. Improvement schemes under Part I. of the principal Act.
2. Reconstruction schemes under Part II. of the principal Act.
3. Housing schemes under Part III. of the principal Act.
4. Assisted housing schemes under the Act of 1919.
5. Town-planning schemes under Part II. of the Act of 1909 and 1919.

I.—Improvement Schemes.

An improvement scheme under Part I. of the principal Act arises where in the district of a local authority (other than a rural district, section 3, principal Act) an official representation is made by the medical officer to the local authority either (a) that within a certain area houses, courts or alleys are unfit for human habitation, or (b) the narrowness, closeness and bad arrangement, or the bad condition of the streets and houses or groups of houses within such area, or the want of light, air ventilation or proper conveniences or other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area or the neighbouring buildings. The representation must also set out that the most satisfactory method of dealing with the evils is an improvement scheme for the arrangement and reconstruction of the streets and houses within such area or of some of such streets or houses. (Section 4, principal Act.) It is the duty of the medical officer to make a representation whenever he sees cause, but any justice of the peace within the district or six persons liable to be rated can make a complaint to the medical officer as to the unhealthiness of any area within his district, and it then also becomes the duty of the medical officer to inspect the area and to make a representation to the local authority of the facts and of his opinion. (Section 5, principal Act.) If the medical officer fails to comply with such a request or makes a representation to the local authority that in his opinion it is not an unhealthy area, the complainant or complainants may then appeal to the Ministry of Health, who can appoint a medical practitioner to make an inspection and report, and if his report is that the area is unhealthy, the local authority are required to proceed as on receipt of an official representation. (Section 16, principal Act.) On receipt of an official representation the local authority, if satisfied of the truth of the representation and of the sufficiency of their resources, are required to resolve that the area is unhealthy and proceed to prepare an improvement scheme. (Section 4, principal Act.) But in case they do not proceed, they are required to report accordingly to the Ministry of Health (section 10, principal Act), and where it appears to the Ministry that a local authority is in any way in default in their duties under Part I. of the Act, the Ministry may make an order on them requiring them to remedy their default, and such an order can be enforced by mandamus. (Section 4, Act of 1903, and section 11, Act of 1909.) Now, under section 5 of the Act of 1919, the Ministry can enforce Part I. of the principal Act wherever they are satisfied that an area is one in respect of which the local authority ought to exercise their powers, and they can by order require the local authority to carry out their powers,

within a prescribed time, and if the local authority fail to comply, they can require the county council to carry out a scheme or themselves undertake a scheme. A scheme submitted by the local authority to the Ministry of Health is confirmed, either with or without modifications, by order and then becomes binding on the local authority. (Section 12, principal Act.) The contents of an improvement scheme are set out in section 6, and the procedure for securing the confirmation of the Ministry of Health in sections 7 and 8 of the principal Act. If the Ministry so require, the scheme must provide for the accommodation of persons of the working classes displaced by the scheme either within or without the area. (Section 11, principal Act.) The local authority may sell or let all or any of the areas comprised in the scheme to purchasers or lessees under conditions that they will carry the scheme into operation, and they may also engage with any body of trustees, society or person to carry the scheme or part of it into effect. (Section 12, principal Act.) The local authority may lay out, form, pave and sewer and complete streets on the cleared sites, but cannot themselves, without express approval from the Ministry, rebuild the houses. (Section 12, principal Act.)

II.—Reconstruction Schemes.

Part II. of the principal Act deals firstly with buildings unfit for human habitation and obstructive buildings, and secondly with reconstruction schemes. Schemes can arise where—

(a) an order for the demolition of a building has been made and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring dwellings if the area of the dwelling-house of which the building forms part were either (1) dedicated as a highway or open space, or (2) appropriated, sold or let for the erection of dwelling-houses for the working classes, or (3) exchanged with other neighbouring land which is more suitable for the erection of such buildings and on exchange will be appropriated, sold or let for such erection;

(b) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of the buildings or the want of light, air, ventilation, or proper convenience, or any other proper sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings, and that the demolition or the reconstruction of the said buildings or some of them is necessary to remedy the said evils and that the area comprised is too small to be dealt with as an unhealthy area under Part I. (Section 39, principal Act.)

Neighbouring lands may be included in the scheme if the local authority are of opinion that its inclusion is necessary to make the scheme efficient. (Section 7, Act of 1903.) The procedure for closing and demolition orders in respect of dwellings unfit for human habitation was dealt with in sections 16 and 17 of the principal Act, but those sections have been repealed and replaced by sections 17 and 18 of the Act of 1909. Obstructive buildings are dealt with in section 38 of the principal Act.

To follow the various provisions made for the enforcing of Part II., it must be remembered that the principal Act contemplated forcing the hands of local authorities only so far as the closing of buildings unfit for human habitation went. The Act makes it the duty of the medical officer of health to represent to the local authority (which expression includes the council of a rural district) any building which appears to

him unfit for human habitation (section 30), and any justice of the peace acting for the district or any member of a local authority or any four or more householders (compare the justice and six ratepayers under Part I.), may make a complaint to him concerning any dwelling, and he is thereupon required to inspect and transmit the complaint with his opinion thereon to the local authority. If the local authority decline or neglect within three months to take *any* proceedings to put Part II. into operation, the complainants may petition the Ministry of Health, who after an inquiry may order the local authority to proceed. (Section 31, principal Act.) If, however, the local authority is a rural district council the procedure is a complaint to the county council (section 45). The Act of 1909 considerably extended the powers of the Ministry of Health and county councils to enforce local authorities to exercise their powers under Part II. of the principal Act. Section 17 of the Act of 1909 makes it the duty of every local authority to inspect their district from time to time, and under section 10 of the Act complaint can now be made direct to the Ministry of Health that the local authority have failed to exercise their powers in cases where those powers ought to have been exercised. Here there is no necessity of complaint to the medical officer as to particular buildings. After holding a public local inquiry, the Ministry, under the said section 10, may declare the authority in default and may make an order on the authority *to carry out such work and do such other things* as are specified within the order within a time limit (section 10). Such an order is enforceable by mandamus, but instead of so enforcing it in the case of a county district the Ministry may, with the consent of the county council, direct the county council to carry out the works. Before making an order under this section, the Ministry of Health are required by clause 3 of the section to take into consideration a number of circumstances, including the liability to be incurred by the rates. It is to be noted that section 10 applies where, on a local inquiry, the local authority are shown to have failed to exercise their powers under Part II. A local authority may, however, have proceeded so far as the closing and demolition of dwellings and the making of a scheme, and may fail or delay to give effect to the scheme, or they may have gone so far as to make an order for the pulling down of an obstructive building and may fail or delay to give effect to that order, or they may have not made the inspection of their district required by section 17 of the Act of 1909. In these cases section 11 of the Act of 1909 will apply. Under this section, the Ministry of Health may act without local complaint or inquiry, and may make an order on the local authority to carry out or do any other things necessary within a specified time. A very similar provision is contained in section 5 of the Act of 1919, but this section is broader in two ways: (a) It applies where the Ministry are satisfied under any circumstances that the area is one in which powers ought to be exercised under either Part I. or Part II., and the Ministry can by order require the local authority to proceed either under Part I. or Part II., as it chooses. (b) In case the local authority fail to comply with their order, the Ministry can authorise the county council to make and carry out a scheme; or can themselves make and take such steps as may be necessary to carry out a scheme.

III.—Housing Schemes under Part III.

Housing schemes under Part III. of the principal Act are for housing and not rehousing connected with improvement and reconstruction schemes under Parts I. and II. Originally before Part III. of the

Act could be put into operation it had to be adopted by resolution. By section 1 of the Act of 1909, however, Part III. was extended to take effect in every district for which it had not been adopted, as if it had been so adopted, and now by section 1 of the Act of 1919 a local authority is required to consider the needs of their area with respect to the provision of houses for the working classes, and to prepare and submit a scheme to the Ministry of Health within three months after the passing of the Act and thereafter as occasion arises, or within three months after notice has been given the local authority by the Ministry. The principal Act refers throughout Part III. to lodging-houses, but that expression is defined by section 53 (1) as including "separate houses or cottages for the working classes, whether containing one or several tenements," and the expression "houses for the working classes" in Part I. of the Act of 1919 has the same meaning. (Section 40 of that Act.) Only twelve sections of the original Part III. of the principal Act now remain on the Statute Book, so that the principal Act contains only a small proportion of the legislation affecting schemes under Part III. The sections remaining in operation allow a local authority, with the permission of the Ministry of Health, to purchase or take on lease lodging-houses for the working classes (section 57), to appropriate for the purposes of Part III. any land vested in them or at their disposal (*ibid*), and to acquire land and on any land acquired or appropriated to erect any buildings suitable for lodging-houses for the working classes, to convert any existing buildings, and to fit up and furnish such buildings (section 59). By section 61 the local authority may make such "reasonable charges for the tenancy or occupation" as they may determine by regulations, and by section 62 they are authorised to make by-laws for the management, use and regulation of such lodging-houses. A much ampler provision as to by-laws is now, however, contained in section 26 of the Act of 1919. The Act of 1900 permits local authorities, other than rural district councils, to establish or acquire lodging-houses outside their own district in order to supply the needs of their district; but this is now somewhat modified by section 41 of the Act of 1919, under which the London County Council is made the local authority to the exclusion of other authorities so far as regards the provision of any houses outside the administrative county of London. By section 3 of the Act of 1903, local authorities are empowered, with the consent of the Ministry of Health, and, if desired, jointly with any other person, to provide and maintain in connection with the provision of dwelling accommodation or lodging-houses for the working classes, any building adapted for use as a shop, any recreation grounds or other buildings or land which, in the opinion of the Ministry, will serve a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging-houses are provided. The Act of 1909 allows a local authority, with the consent of the Ministry of Health, to acquire land by agreement for the purposes of Part III. of the principal Act, notwithstanding that the land is not immediately required for those purposes (section 3). All these facilities, however, are far outstripped by the provisions of the Act of 1919. This Act permits a local authority for the purposes of part III. of the principal Act to acquire any houses or other buildings on the land proposed to be acquired for the erection of houses for the working classes and to acquire any interest or estate in any houses which may be made suitable as houses, together with the lands occupied with such houses, and to alter, enlarge, repair and improve such houses or buildings (section 12 (11)); and a local authority may acquire land in order to lease or sell it with a view to the erection

of houses for the working classes by persons other than the local authority, and to lease and sell any part of the land with a view to its use for purposes necessary or desirable for or incidental to the development of the land as a building estate (section 12 (2)). When land has been acquired or appropriated, the local authority may (a) lay out and construct public streets or roads and open spaces; (b) with the consent of the Ministry of Health, sell or lease the land or part thereof to any person on condition that he erect and maintain a fixed number of houses suitable for the working classes, and when necessary will lay out and construct public streets or roads and open spaces or will use the land for purposes which in the opinion of the local authority are necessary or desirable for or incidental to the development of the land as a building estate in accordance with plans approved by the local authority; (c) with the consent of the Ministry, sell the land or exchange it for land better adapted for these purposes; or (d) with the consent of the Ministry, sell or lease any houses on the land or erected by them on the land subject to covenants and conditions in regard to the maintenance of the houses as houses for the working classes or otherwise in regard to the use of the houses (section 15). Local authorities are empowered to promote the formation or extension of public utility societies (section 18) and to make loans to the private owner of a house or building for the reconstruction, enlargement or improvement thereof, if after the works are carried out the house or building will in all respects be fit for habitation as a house or as houses for the working classes (section 22). The Act contains provisions for the relaxation of by-laws (sections 24 and 25), and minor provisions for the encouragement of construction of or conversion of existing buildings into tenements or dwellings for the working classes.

In enforcing Part III. housing schemes the initiative may be taken (a) by any four householders or the bodies set out in section 10 of the Act of 1909; (b) as respects a rural district by the county council; or (c) by the Ministry of Health themselves. (a) Where a complaint is made to the Ministry of Health that a local authority have failed to exercise their powers, the Ministry may declare the authority to be in default, and may make an order directing it to carry out such works and do such other things as may be mentioned in the order. Such an order is enforceable by mandamus, but if it is made on the council of a county district and the council fails to comply with it, the Ministry, instead of enforcing it on that council by mandamus, may, with the consent of the county council, direct the county council to do the work. (Section 10, Act of 1909.) Complaint against a rural district council may be made direct to the county council, and the county council may hold a public local inquiry, and, if satisfied that the district council have failed to exercise their powers, may resolve that the power of the district council be transferred to the county council (section 12). (b) A county council, without need of complaint or public inquiry, may apply to the Ministry for an order conferring on them the powers of a local authority under Part III. of the principal Act as respects any rural district in the county (section 13). (c) A different set of provisions for enforcing Part III. schemes by the Ministry of Health without local representation or complaint is now set up by sections 3 and 4 of the Act of 1919. These sections refer to failure on the part of a local authority "to fulfil their obligations as to the preparation of schemes under this Act, or their obligations under any such scheme." Under section 3, where the Ministry is satisfied that a local authority have failed or are not prepared to fulfil their obligations as to the preparation

of a scheme under this Act, or their obligations under any such scheme, *or that for any other reason* it is desirable that any such obligation should be performed by the county council instead of the local authority, the Ministry may, after giving the local authority and the county council an opportunity of being heard, transfer to the county council the obligation to prepare and carry out a scheme or to carry out in whole or in part the provisions of a scheme prepared by the local authority. Attention may be called here to the fact that under this provision the county council may come to act in default of the council of a borough or urban district. Under section 4, where the Ministry are satisfied that a local authority or a county council to which the powers or duties of a local authority have been transferred, or in cases where a joint scheme has been or, in the opinion of the Ministry, should be prepared, the local authorities concerned have failed to fulfil their obligations as to preparation of schemes under this Act or their obligations under any such schemes, the Ministry may, after considering the circumstances of the case and after giving the local authority, authorities or county council an opportunity of being heard, themselves prepare and carry out a scheme or take such steps as may be necessary to carry out any scheme already prepared.

IV.—Assisted Schemes under the Act of 1919.

Assisted schemes may be (a) housing schemes under Part III. of the principal Act, approved under section 1 of the Act of 1919: (b) rehousing schemes in connection with schemes under Part I. or Part II. of the principal Act; (c) any scheme approved by the Ministry of Health for the provision of houses for persons in the employment of a county council (section 7, Act of 1919); and (d) schemes prepared by public utility societies and housing trusts and approved by the Ministry of Health (section 19).

Section 7 provides that if it appears to the Ministry that a scheme within its provisions (lettered (a), (b) and (c) above) has resulted, or is likely to result, in a loss, the Ministry *shall*, if the scheme is carried out within such time as may be specified by the Ministry with the consent of the Treasury, pay or undertake to pay such part of the loss as may be determined to be so payable under Regulations made by the Ministry with the approval of the Treasury. In the cases of schemes lettered (a) and (b) above, the annual payment is to be based on the estimated annual loss resulting from the scheme or schemes, subject to the deduction therefrom of a sum not exceeding the estimated annual produce of a rate of one penny levied in the area chargeable with the scheme or schemes. In the case of schemes lettered (c) above, the amount is to be equivalent to thirty per cent. of the annual loan charges. Regulations made by the Ministry with the approval of the Treasury provide that financial assistance under section 7 of the Act shall be extended to schemes lettered (a) and (c) above if reasonable progress is made within 12 months after the passing of the Act and the scheme is carried out within three years or such later date as the Ministry may approve, and to schemes lettered (b) if reasonable progress is made within two years and the scheme completed within three years or such later date as the Ministry of Health allow. As to schemes lettered (d) above—i.e., schemes by public utility societies and housing trusts, section 19 provides that if such a scheme is carried out within such period as may be specified by the Ministry with the consent of the Treasury, the Ministry may pay or undertake to pay contributions equivalent to thirty per cent. of the

annual loan charges which would have been incurred if the amount had been borrowed from the Public Works Loans Commissioners. Regulations made by the Ministry with the approval of the Treasury provide that to qualify for assistance reasonable progress must be made within twelve months after the passing of the Act and the scheme carried out within three years or such later date as the Ministry of Health may allow.

V.—Town-planning Schemes.

A town-planning scheme may be made as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity and convenience in connection with the laying-out and use of the land and of any neighbouring lands: Provided that where a piece of land already built upon or a piece of land not likely to be used for building purposes is so situate with respect to any land likely to be used for building purposes, that the general object of the scheme would be better secured by its inclusion in any town-planning scheme made with respect to the last-mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect. (Section 54 (1) of the Act of 1909, as amended by Third Schedule, Act of 1919). The scheme may be a scheme prepared by the local authority or it may be a scheme proposed by the owners of any land with respect to which the local authority themselves are authorised to prepare a scheme and adopted, with or without modifications, by the local authority. Originally it was necessary for a local authority to obtain authority from the old Local Government Board to the preparation of a scheme as well as to obtain approval of the scheme when prepared, and the Board were required to lay their draft order approving a scheme before both Houses of Parliament. The Act of 1919 has done away with the necessity of securing authority from the Ministry for the preparation of a scheme (unless it embraces land outside the area of the authority), and the necessity on the Ministry of laying a draft order approving a scheme before Parliament. The remaining requirement is that a scheme prepared or adopted by a local authority shall not have effect, unless it is approved by order of the Ministry of Health (section 54 (4), Act of 1909) But even pending such approval the development of the estate and building operations may be permitted by the Ministry by general or special order (section 59, Act of 1919). Representations that a local authority is in default in preparing or in carrying out a scheme may be made to the Ministry under section 61 of the Act of 1909. No right to make complaint or representation is given here to any particular body or person as to justices, ratepayers and householders under the various parts of the Act of 1890, and consequently it is open to any complainant to make a representation. If after a local inquiry, the Ministry are satisfied of the default of the local authority, the Ministry may issue an order, enforceable by mandamus, on the local authority to prepare a scheme and submit it to the Ministry for approval, or otherwise to do the things in respect of which they are in default (section 61, Act of 1909). Any such order is enforceable by mandamus. Now by section 47 of the Act of 1919, the Ministry, without need of local representation or inquiry, if satisfied that a town-planning scheme ought to be made by a local authority, may by order require the local authority to prepare and submit for their approval such a scheme, and if the scheme when

submitted is approved, to do all things necessary for enforcing the observance of the scheme or any of its provisions effectively. If the local authority still fail to prepare a scheme or to enforce a scheme or any provisions of a scheme, the Ministry may either authorise the county council to act or may themselves act, in the place and at the expense of the local authority. Finally, by section 46 of the Act; it is made the duty of every borough or other urban district, the population of which exceeds 20,000, and any other local authority which the Ministry may require, within three years after 1st January, 1923, to prepare and submit a town-planning scheme to the Ministry in accordance with provisions which have yet to be determined by the Ministry.

LOCAL AUTHORITY, OWNER AND TENANT.

The foregoing review of the provisions of the Housing and Town Planning Acts for improvement, reconstruction, housing, "assisted" and town-planning schemes cover the greater portion of the Acts. There are, however, important provisions in the Acts, designed to prevent property from sinking into the category of slum property, which remain to be noticed. Section 75 of the Act of 1890 provides that in any contract for letting for habitation of a house or part of a house at a rent not exceeding the sum named as the compounding limit in section 3, Poor Rate Assessment and Collection Act, 1869 (that is to say, £20 in the Metropolis, £13 in Liverpool, £10 Manchester and Birmingham, and £8 elsewhere), there shall be an implied condition at the commencement of the holding that the house is in all respects reasonably fit for human habitation. By section 12 of the Act of 1903, this condition takes effect notwithstanding any agreement to the contrary and any such agreement is void. The Act of 1909 by section 14 extends the provision of section 75 of the principal Act to houses let at a rental—(a) in the Administrative County of London of £40, (b) in a borough or urban district with a population of 50,000 or upwards of £26, and (c) elsewhere £16, and by section 15 implies a condition in the letting of such houses that the landlord shall throughout the holding keep the premises in all respects reasonably fit for human habitation. Section 29 of the Act of 1919 provides that in the case of houses intended or used for occupation by the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is responsible for keeping the house reasonably fit for habitation shall be inscribed in the rent-book or, if a rent-book is not used, delivered in writing to the tenant and if any person demands or collects any rent in contravention of this provision, he incurs a penalty of forty shillings for each offence. Section 15 of the Act of 1909 empowers a local authority, if it appears to them that a landlord is not fulfilling the implied condition to keep the house reasonably fit for habitation, to require him to execute such works as they may specify in a written notice. The landlord then has an option to close the house for human habitation, but if he does not signify to the authority within a specified time that he has decided to close the house and fails to carry out the required works, the local authority may do the works themselves and recover from the landlord. The landlord has an appeal to the Ministry against both the notice requiring him to carry out the works and the demand for the recovery of expenses, but he has no right of appeal to the courts. The Act of 1909 applies to houses during a holding for human occupation. The Act of 1919 now, however, contains in section 28 a provision for the repair of houses whether during holding for occupation or not, and this provision applies generally to houses

suitable for occupation by the working classes, without any limitations of rentals or value. If the owner of such a house fails to keep it in all respects fit for human habitation, the local authority may serve a notice on him requiring him to execute the works necessary to render it so fit. The owner here is only given the option of closing the house for human habitation (if it is not capable of being rendered fit for such habitation). If he does not comply with the order the local authority may themselves do the work and recover from him.* Similarly, if the owner or any other person having an interest in a lodging-house or house divided into tenements for the working classes fails to execute works required to comply with by-laws as to such houses under section 26 of the Act of 1919, the local authority may themselves execute the works and recover from such owner or other person. Further provisions of this section are noted below. It remains to notice section 27 of the Act. This section contains altogether a new departure. If a house exists which as a result of changes in the character of the neighbourhood cannot readily be let as a single tenement but can readily be let if converted into two or more tenements (not necessarily for the working classes), and the provisions of the lease do not admit of such conversion, the local authority may seek from the county court an order varying the terms of the lease to enable the house to be so converted.

The lessee has equal rights with the local authority under section 26 of the Act of 1919, noted immediately above, to seek from the county court an order varying the terms of his lease to enable him to convert a house which cannot readily be let as a single tenement into two or more tenements. If, in case of a lessee who takes in lodgers or has let the building in tenements—(a) compliance with by-laws made under section 26 as to lodging-houses is contrary to the provisions of his lease or agreement, or (b) the whole or part of the expenses to be incurred in complying with the by-laws ought to be borne by the lessor or other superior landlord, the lessee may apply to the local authority, and the local authority may (a) relax the provisions of the lease, (b) grant a charging order charging on the premises an annuity to repay the expenses properly incurred. The owner or superior landlord is given a converse right for entry against the lessee or tenant to protect his interest. This right was first recognised by section 47 of the principal Act. Under this section if the owner of a building in respect of which a closing or demolition order has been made finds that his interests are being prejudiced by the default of the person against whom such order has been made he may apply to a court of summary jurisdiction for an order forthwith to enter in the dwelling-house and to execute the works or demolish the building or claim to retain the site, as the case may be. By section 30 of the Act of 1919 any person entitled to any interest in any land used in whole or in part as a site for houses for the working classes, may apply to the courts for an order entrusting the applicant with the carrying out of a scheme of reconstruction or improvement approved by the local authority and empowering the applicant forthwith to enter on the land; but he must first prove to the satisfaction of the court that the premises on the land are or are likely to become unfit for human habitation and that his interests are thereby prejudiced.

* It is to be noticed that the meaning attached to the word "landlord" in sections 14 and 15 of the Act of 1909, and the meaning attached to the word "owner," is not identical; the meaning attached to each of these words will be found defined in the sections containing them and explained in the footnotes. The word "owner" has a variety of meanings attached to it in the Housing Acts, and where the word is used it is usually defined.

Housing, Town Planning, Etc. Act, 1919.

[9 & 10 Geo. 5. Ch. 35.]

ARRANGEMENT OF SECTIONS.

PART I.

HOUSING OF THE WORKING CLASSES.

Schemes under Part III. of Act of 1890.

Housing, Town Planning, Etc. Act, 1919.

CHAPTER 35.

An Act to amend the enactments relating to the Housing of the Working Classes, Town Planning, and the acquisition of small dwellings. [31st July, 1919.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

PART I.

HOUSING OF THE WORKING CLASSES.

Schemes under Part III. of Act of 1890.

DUTY OF LOCAL AUTHORITY TO PREPARE HOUSING SCHEMES.

1.—(1) It shall be the duty of every local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890 [53 & 54 Vict. c. 70] [1] (hereinafter referred to as the principal Act), to consider the needs of their area with respect to the provision of houses for the working classes,[2] and within three months after the passing of this Act, and thereafter as often as occasion arises, or within three months after notice has been given to them by the Local Government Board,[3] to prepare and submit to the Local Government Board a scheme for the exercise of their powers under the said Part III.

NOTES TO SECTION 1.

General Note.—Part III. of the principal Act was originally merely adoptive. Section 1 of the Act of 1909 extended it to all districts for which it had not been adopted as if it had been so adopted. But though Part III. had been adopted there was still no obligation on the local authority to prepare or carry into effect a scheme. Section 10 of the Act of 1909 conferred powers on the Local Government Board (now the Ministry of Health) to enforce the execution of a scheme, and section 12 conferred powers on a county council to act in default of a rural district council. Those powers, however, can only be exercised on complaint being made from the district. The procedure by complaint is still preserved in the Acts.

[1] For local authorities within the meaning of Part III., see the First Schedule to the principal Act, and also, as regards the Administrative County of London, section 41 of this Act.

[2] There is no applicable definition in the Housing Act of the "working classes." The matter is dealt with in the Introduction.

[3] The powers and duties of the Local Government Board under this Act automatically passed to the Ministry of Health on the day the Act came into operation. See section 3 (1) (a), Ministry of Health Act, 1919, and the Date of Commencement Order made under that Act.

(2) A scheme under this section shall specify—

(a) the approximate number and the nature of the houses to be provided by the local authority;

(b) the approximate quantity of land to be acquired and the localites in which land is to be acquired;[4]

(c) the average number of houses per acre;

(d) the time within which the scheme or any part thereof is to be carried into effect;

and the scheme may contain such incidental, consequential and supplemental provisions (including provisions as to the subsequent variation of the scheme)[5] as may appear necessary or proper for the purpose of the scheme.

(3) The Local Government Board[3] may approve any such scheme or any part thereof without modification or subject to such modifications as they may think fit, and the scheme or part thereof when so approved shall be binding on the local authority; but if the Board consider the scheme inadequate they may refuse to approve the scheme and require the authority to prepare and submit to them an adequate scheme within such time as they may fix, or they may approve the scheme or part thereof subject to the condition that the authority prepare and submit to them a further scheme within such time as they may fix:

Provided that local authorities in preparing, and the Local Government Board in approving, any scheme shall take into account, and so far as possible preserve, existing erections of architectural, historic, or artistic interest, and shall have regard to the natural amenities of the locality, and, in order to secure that the houses proposed to be built under the scheme shall be of a suitable architecture and that the natural amenities of the locality shall not be unnecessarily injured, the Local Government Board may, in any case where it appears to them that the character of the locality renders such a course expedient, require as a condition of their approval the employment by the local authority of an architect to be selected from a panel of architects nominated for the purpose by the Royal Institute of British Architects.[6]

(4) Before the Local Government Board[3] finally approve a scheme, the local authority shall furnish to them estimates of the cost of the scheme and of the rents expected to be derived from the houses provided under the scheme.

(5) If the Local Government Board[3] consider as respects any local authority that an occasion for the preparation of a new scheme has arisen, they shall give notice to that effect to the local authority, and thereupon such an occasion shall be deemed to have arisen.[7]

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[4] Land can be secured outside the local authority's own area (section 1, Act of 1900), except by a rural district council (*ibid*), and except that a council of a metropolitan borough cannot acquire land outside the area of the London County Council (section 41, Act of 1919).

[5] The Ministry of Health may permit a local authority to abandon any part of a scheme or to amend or add to it in details (section 25, Act of 1909).

[6] For saving of sites of ancient monuments or other object of archæological interest, see section 45, Act of 1909.

[7] The Ministry may always call for a report on the density of the population in an area—section 37, Act of 1909.

(6) Where the local authorities concerned or the Local Government Board[3] are of opinion that a scheme should be made affecting the areas of two or more local authorities, such a scheme shall be prepared by the local authorities jointly and the local authority of each area to which any part of any such joint scheme applies may, or, if the Local Government Board after giving the local authority an opportunity of being heard so direct, shall carry out that part of the joint scheme, and for the purposes of this sub-section "local authority" shall, in any case where the Local Government Board consent, and subject to any conditions which the Board may prescribe, include a county council.[8]

(7) Local authorities in preparing, and the Local Government Board[3] in approving schemes shall make inquiry respecting and take into account any proposals by other bodies and persons to provide housing accommodation.[9]

(8) Where any proposals as to the provision of houses for the working classes have before the passing of this Act been submitted to the Local Government Board[3] by a local authority and those proposals have been approved by the Board, either before or after the passing of this Act, the proposals may, if the Board so direct, be treated, for any of the purposes of this Act, as if they were a scheme submitted and approved under this section.

DUTY OF LOCAL AUTHORITY TO CARRY OUT SCHEME.

2. It shall be the duty of a local authority on which obligations are imposed by any such scheme to carry that scheme into effect within such time as may be specified in the scheme or within such further time as may be allowed by the Local Government Board.[1]

Power of County Councils and Local Government Board to act in place of Local Authorities.

POWER TO AUTHORISE COUNTY COUNCIL TO ACT IN PLACE OF LOCAL AUTHORITY.

3.—(1) Where the Local Government Board[1] are satisfied that a local authority have failed or are not prepared to fulfil their obliga-

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[8] Under section 38 of the Act of 1909 the Ministry may make an order for a joint scheme on the application of one only of the authorities concerned.

[9] Section 67 of the principal Act contains provision for loans by the Public Works Loans Commissioners to companies, societies, associations and individuals. Section 4 of the Act of 1909 made provision for special terms to public utility societies, and section 20 of this Act extends such special provision. Section 18 of this Act enables local authorities to promote and assist public utility societies, and section 19 enables the Ministry to give financial assistance to such societies and housing trusts. Section 21 of this Act extends temporarily the scope of section 67 of the principal Act with respect to loans to private individuals by the Public Works Loans Commissioners, and section 22 enables local authorities also to make loans to individual owners of buildings for the improvement of housing accommodation.

NOTES TO SECTION 3.

[1] For "Local Government Board" read Ministry of Health. See Note 3 to section 1.

tions as to the preparation of schemes under this Act, or their obligations under any such scheme, or that for any other reason it is desirable that any such obligation should be performed by the county council instead of by the local authority,[2] the Board, after considering the circumstances of the case and giving the local authority and the county council an opportunity of being heard, may, if they think fit, by order, transfer to the council of the county in which the district of the local authority is comprised, the obligation to prepare and carry out a scheme, or to carry out in whole or in part the provisions of a scheme prepared by the local authority.

(2) Where the Board make an order under this section, the order may, for the purpose of enabling the county council to give effect to the order, apply any of the provisions of the Housing Acts or section sixty-three of the Local Government Act, 1894 (56 & 57 Vict. c. 73),[3] with such modifications and adaptations as appear necessary or expedient:

Provided that the local authority shall be entitled to appeal to the Local Government Board[1] if, in their opinion, the amount of the expenses, which the county council require them to defray or propose to charge against their district, is excessive or unreasonable, or against any refusal by a county council to make an order under the said section sixty-three vesting in the local authority all or any of the powers, duties, property, debts, and liabilities of the county council in relation to the powers transferred to them, and upon any such appeal the Board may make such order as they may deem just, and an order so made shall be binding on the county council and the local authority.

(3) This section shall apply in cases where a joint scheme has been, or in the opinion of the Board ought to be, prepared with the

[2] The Housing Acts contain five provisions under which a county council may come to exercise powers of local authorities under Part III. One provision is contained in section 12 of the Act of 1909, and applies where complaint is made to the county council by a parish council or parish meeting or by four inhabitants against a rural district council. The county council in that case can themselves after a public local inquiry assume the powers of the rural district council without reference to the Ministry. A second is contained in section 13 of the Act of 1909, under which a county council may apply on the ground of expediency, without the necessity of complaint or allegation of default against the district council, to the Ministry for an order conferring on them the powers of a local authority under Part III. in respect of a rural district. A third is contained in section 10 of the Act of 1909, which relates to procedure when a complaint is made to the Ministry that any local authority have failed to exercise their powers under either Part II. or Part III. The Ministry after a public local inquiry may make an order directing the authority to carry out such works and do such other things as are enumerated in the order. Should the local authority fail to comply with the order, the Ministry may enforce their order by mandamus, but, alternatively, in case of a county district, whether rural or otherwise, they may, with the consent of the county council, direct the county council to carry out the work. A fourth provision is to be found in section 18 (1) of this Act relating to the acquisition of land on application by a public utility society, and the fifth is that now made in section 3.

[3] Section 63 of the Local Government Act, 1894, provides *inter alia* that the expenses incurred by the county council shall be a debt from the district council to the county council.

substitution of references to the local authorities concerned and their districts for references to the local authority and the district of the local authority.

POWER OF LOCAL GOVERNMENT BOARD TO ACT IN PLACE OF THE LOCAL AUTHORITY.

4.—(1) Where the Local Government Board[1] are satisfied that a local authority, or, in cases where any powers or duties of a local authority have been transferred to a county council, such council, or, in cases where a joint scheme has been or in the opinion of the Board should be prepared, the local authorities concerned, have failed to fulfil their obligations under any such schemes under this Act or their obligations under any such schemes, the Board may, after considering the circumstances of the case, and after giving the local authority, authorities, or county council an opportunity of being heard, themselves prepare and carry out a scheme or take such steps as may be necessary to carry out any scheme prepared by the local authority or council, or by two or more local authorities jointly, and shall for that purpose have all the powers of a local authority under the Housing Acts,[2] and those Acts shall, with the necessary modifications and adaptations, apply accordingly.

(2) Any expenses incurred by the Board in the exercise of such powers as aforesaid shall in the first instance be paid out of moneys provided by Parliament, but the amount certified by the Board to have been so expended, and to be properly payable by a local authority, shall on demand be paid to the Board by the local authority and shall be recoverable as a debt due to the Crown and the payment of the sum so payable to the Board shall be a purpose for which the local authority may borrow under Part III. of the principal Act.

POWER TO ACT IN DEFAULT OF LOCAL AUTHORITY UNDER PARTS I. AND II. OF PRINCIPAL ACT.

5.—Without prejudice to any other powers for enforcing the provisions of the Housing Acts,[1] where the Local Government Board[2]

NOTES TO SECTION 4.

[1] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[2] The powers of the Local Government Board to enforce Part III. schemes have hitherto been confined to enforcing their orders by mandamus (see section 10, Act of 1909).

NOTES TO SECTION 5.

[1] These other powers may be enumerated as three. Firstly, by section 10 of the principal Act the Local Government Board may order a local inquiry to be held into the failure or refusal of a local authority to comply with an official representation made under section 4 of that Act in favour of a scheme under Part I. If the local inquiry results in a report favourable to a scheme, the Ministry by section 4 of the Act of 1903 are empowered to order the local authority to prepare and carry out a scheme either under Part I. or Part II., and to enforce their order by mandamus. Secondly, under section 11 of the Act of 1909, the Ministry of Health may take the initiative, without need of an official representation and local inquiry, and make an order, enforceable by mandamus, on the local authority to remedy their default and to carry out necessary works within a time fixed by the order. Thirdly, under section 10 of the Act of 1909, where a com-

are satisfied that any area within the district of a local authority is an area in respect of which the local authority ought to exercise their powers under Part I. or Part II. of the principal Act, the Board may by order require the local authority to make a scheme for the improvement of such area either under Part I. or under Part II. of that Act and to do all things necessary under the Housing Acts for carrying into execution the scheme so made, and, if the local authority fail within such time as may be prescribed by the order to make a scheme to the satisfaction of the Local Government Board and to carry the scheme into execution, the Board may either by order empower the county council to make and carry out a scheme, or themselves make and take such steps as may be necessary to carry out a scheme, and the provisions of the last two foregoing sections of this Act in regard to the powers of county councils and the Board, as the case may be, shall apply.

INSPECTION BY COUNTY MEDICAL OFFICER OF HEALTH.

6.—Where a representation is made to the Local Government Board [1] as respects any county district that the local authority have failed to exercise their powers under Part I. or Part II. of the principal Act, the Board may direct the county council to instruct the medical officer of health of the county [2] to inspect such district and to make a report to the Board as to the exercise of the powers aforesaid by the local authority.

Financial Provisions.

POWER TO RECOUP LOSSES.

7.—(1) If it appears to the Local Government Board [1] that the carrying out by a local authority, or by a county council to whom the powers of a local authority have been transferred under this Act, of any scheme approved under section one of this Act, or the carrying out of a re-housing scheme in connection with a scheme

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plaint is made to the Local Government Board that a local authority have failed to exercise their powers under Part II. of the principal Act, the Local Government Board, if satisfied, after a local inquiry that there has been failure, may make an order, enforceable by mandamus, directing the local authority to carry out works specified in the order. There is also an older provision as to Part II. schemes contained in section 31 (2) of the principal Act.

[2] For "Local Government Board" now read Ministry of Health. See Note 3 to section 1.

NOTES TO SECTION 6.

[1] For "Local Government Board" now read Ministry of Health. See Note 3 to section 1.

[2] County medical officers of health are appointed under section 68 of the Act of 1909. Under section 69 of that Act it is the duty of the clerk and medical officer of health of a rural district council to furnish information to the medical officer of health of the county of any representation, complaints and closing orders, and to furnish any other information which he may reasonably require.

NOTES TO SECTION 7.

[1] For Local Government Board" now read Ministry of Health. See Note 3 to section 1.

made under Part I. or Part II. of the principal Act, including the acquisition, clearance, and development of land included in the last-mentioned scheme, and whether the re-housing will be effected on the area included in that scheme or elsewhere, or the carrying out of any scheme approved by the Board for the provision of houses for persons in the employment of or paid by a county council or a statutory committee thereof, has resulted or is likely to result in a loss, the Board shall, if the scheme is carried out within such period after the passing of this Act as may be specified by the Board with the consent of the Treasury,[2] pay or undertake to pay to the local authority or county council out of moneys provided by Parliament such part of the loss as may be determined to be so payable under regulations made by the Board with the approval of the Treasury, subject to such conditions as may be prescribed by those regulations.[3]

(2) Such regulations shall provide that the amount of any annual payment to be made under this section shall—

(a) in the case of a scheme carried out by a local authority, be determined on the basis of the estimated annual loss resulting from the carrying out of any scheme or schemes to which this section applies, subject to the deduction therefrom of a sum not exceeding the estimated annual produce of a rate of one penny in the pound levied in the area chargeable with the expenses of such scheme or schemes; and

(b) in the case of a scheme for the provision of houses for persons in the employment of or paid by a county council, or a statutory committee thereof, be an amount equivalent to thirty per centum of the annual loan charges as calculated in accordance with the regulations on the total capital expenditure incurred by the county council for the purposes of the scheme:[4]

Provided that the regulations shall include provisions—

(i.) for the reduction of the amount of the annual payment in the event of a failure on the part of the local authority or county council to secure due economy in the carrying out

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[2] Assistance is granted by the Regulations under this section in respect of schemes under section 1 of the Act if reasonable progress is made in carrying out the scheme within 12 months after the passing of the Act, and in respect of re-housing schemes under Part I. and Part II. of the principal Act if reasonable progress is made within two years of the passing of this Act; but no payments are to be made in respect of any schemes not carried into effect within three years after the passing of the Act or such later date as the Ministry of Health may allow. The Regulations provide for assistance in respect of the cost of acquiring or clearing a site only where the site has been acquired or cleared before 6th February, 1919. See Regulations, *post*.

[3] The estimated annual produce of a penny rate is to be the amount actually realised during that year by the collection of the rate (see Schedule A to the Housing (Assisted Scheme) Regulations, 1919, *post*). The Exchequer subsidy is prior to April, 1927, based on annual estimates, but for subsequent years is based on a revised estimate submitted in 1927. The subsidy continues during the periods allowed for the repayment of loans (see Articles V. and VI. of the Regulations, *post*).

[4] See the County Councils (Assisted Schemes for the Housing of Employees) Regulations, *post*.

and administration of a scheme to charge sufficient rents or otherwise to comply with the conditions prescribed by the regulations;

(ii.) for the determination of the manner in which the produce of a rate of one penny in the pound shall be estimated; and

(iii.) for any adjustment which may be necessary in consequence of any difference between the estimated annual produce and the actual produce of the said rate of one penny in the pound;

(3) Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

(4) Where a loan is made by the Public Works Loan Commissioners for the purposes of a scheme towards the losses on which the Local Government Board [1] are liable to contribute under this section the loan shall notwithstanding anything in section three of the Housing, Town Planning, &c., Act, 1909 (9 Edw. 7. c. 44), be made on such terms and conditions as the Treasury may prescribe.

This sub-section shall be deemed to have had effect as from the first day of April, nineteen hundred and nineteen, as respects any proposals made by a local authority and approved by the Local Government Board before the passing of this Act as respects which the Board may have signified their intention to direct that they shall be treated as a scheme for the purposes of this section.[5]

(5) The provisions of this section relating to the carrying out of a scheme for the provision of houses for persons in the employment of or paid by county councils shall apply to the Lancashire Asylums Board, the West Riding of Yorkshire Asylums Board or other body constituted for the purpose of the administration of the Lunacy Acts, on behalf of any combination of county councils and county borough councils.

POWERS OF COUNTY COUNCILS IN CONNECTION WITH THE HOUSING OF THEIR EMPLOYEES.

8.—(1) Where money is borrowed by a county council for the purpose of the provision of houses for persons in the employment of or paid by the council or a statutory committee thereof, or of acquiring land for such houses, the maximum period for repayment shall be eighty years, and as respects money so borrowed eighty years shall be substituted for thirty years in sub-section (5) of section sixty-nine of the Local Government Act, 1888 [51 & 52 Vict. c. 41.] [1]

[5] Under section 3 of the Act of 1909 a limit of 80 years is placed on the period of repayment

NOTES TO SECTION 8.

[1] Section 69 of the Local Government Act, 1888, relates to borrowing by county councils. Sub-section 5 reads: "A loan under this section shall be

(2) Where a loan is made by the Public Works Loan Commissioners to a county council for any such purposes as aforesaid, it shall be made on the same terms and conditions as a loan to a local authority for the purposes of the Housing Acts.[2]

(3) A county council shall have power and shall be deemed always to have had power to provide houses for persons in the employment of or paid by the council or a statutory committee thereof, and for that purpose a county council may be authorised to acquire land in like manner as a local authority may be authorised to acquire land for the purposes of Part III. of the principal Act.[3]

This section shall apply to any such board or body as is mentioned in sub-section (5) of section seven of this Act in like manner as it applies to a county council, with the substitution of a reference to the provisions fixing the period within which such board or body is required to repay loans for the reference to sub-section (5) of section sixty-nine of the Local Government Act, 1888.

Provisions as to the Acquisition and Disposal of Land, etc.

PROVISIONS AS TO ASSESSMENT OF COMPENSATION.

9.—(1) Where land included in any scheme made or to be made under Part I. or Part II. of the principal Act (other than land included in such a scheme only for the purpose of making the scheme efficient and not on account of the sanitary condition of the premises thereon or of those premises being dangerous or prejudicial to health)[1] is acquired compulsorily, the compensation to be paid for the land, including any buildings thereon, shall be the value[2] at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance

repaid within such period, not exceeding 30 years, as the county council, with the consent of the Local Government Board, determine in each case." The period of 80 years now fixed is that fixed by section 3 of the Act of 1909 for loans for purposes of the Housing Acts to local authorities.

[2] See section 3, Act of 1909, and section 7 (3) of this Act.

[3] Local authorities under the Housing Acts are under obligation and have power to provide housing for all inhabitants of their district, and no provision is needed to enable them to provide houses for their employees. A county council is not an authority for the preparation and carrying out of schemes, save where powers of such an authority are specially transferred to them in regard to particular areas. Special provision is therefore needed to enable them to provide houses for their employees.

NOTES TO SECTION 9.

[1] Land included in the scheme to make it efficient will be valued in accordance with sections 21 and 41 of the principal Act, according to whether they are Part I. or Part II. schemes, and section 2 of the Acquisition of Land (Assessment of Compensation) Act, so far as the provisions of that section are not in conflict with the principles of the said sections 21 and 41. (See section 7 of the last-mentioned Act.) Land acquired compulsorily for Part III. schemes is to be valued in accordance with the said section 2 of the Acquisition of Land (Assessment of Compensation) Act, and the First Schedule of the Act of 1909, but provisions in that schedule inconsistent with the said Acquisition of Land (Assessment of Compensation) Act, cease to have effect.

[2] The word "value" here is likely to give rise to perplexity. By clause 2 of this section, sections 21 and 41 of the principal Act are to cease to apply in so far as they are inconsistent or in conflict with this section. Both these sections base the valuation on the "fair market value." It was stated

with the requirements of the building bye-laws for the time being in force in the district:

Provided that, if in the opinion of the Local Government Board [3] it is necessary that provision should be made by the scheme for the re-housing of persons of the working classes on the land or part thereof when cleared, or that the land or a part thereof when cleared should be laid out as an open space, the compensation payable to all persons interested in any land included in the scheme (other than as aforesaid) for their respective interests therein shall be reduced by an amount ascertained in accordance with the rules set forth in the First Schedule to this Act.[4]

(2) The provisions of section twenty-one and forty-one of the principal Act shall cease to apply as respects lands to which the provisions of the section apply, in so far as such first-mentioned provisions are inconsistent or in conflict with the provisions of this section.

POWER OF ENTRY ON LAND ACQUIRED.

10.—(1) Where an order authorising a local authority to purchase land compulsorily for the purposes of Part III. of the principal Act has been made and confirmed under the provisions of Part I. of the Housing, Town Planning, &c., Act, 1909, then, at any time after notice to treat has been served, the local authority may, after giving not less than fourteen days' notice to the owner and occupier of the land, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845 [8 & 9 Vict. c. 18] [1] but subject to the pay-

in Standing Committee A when this Act was under discussion that this section was drafted purposely to leave the value to be determined under the rules laid down in section 2 of the Acquisition of Land (Assessment of Compensation) Bill, when that Bill became an Act (Standing Committee A, 7th May, 1919, col. 62). That measure is not to affect any special provisions as to the assessment of land acquired for the purposes of Part I. and Part II. of the Housing Acts, if and in so far as those provisions are inconsistent with the rules under section 2 of the measure. Therefore, the value referred to in this section will be based on sections 21 and 41 of the Act of 1890 as varied by this section and also governed by rules under the Acquisition (Assessment of Compensation) Act.

[3] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[4] If the cleared area is not required for re-housing the compensation is based on value as a site available for development. If it is required for re-housing the compensation is based on the value as a site for dwelling-houses of the working classes. If only part of the site is required for re-housing, it would be manifestly unfair to compensate the owner whose site is not required for re-housing at a higher rate than the owner whose site is so required. The schedule is framed to spread the difference between the two values over the whole site, and compensate both owners on the same basis.

NOTES TO SECTION 10.

[1] Sections 84 to 90 of the Land Clauses (Consolidation) Act prohibit the promoters of an undertaking to enter, without the consent of the owners, into possession except on payment of the purchase money or compensation, or deposit by way of security and giving bond. The interest is at the rate of five per cent. on the purchase money or compensation from the time of entry into possession until payment.

ment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

(2) Where a local authority have agreed[2] to purchase land for the purposes of Part III. of the principal Act, or have determined to appropriate land for those purposes, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after such agreement has been made, or such appropriation has been approved by the Local Government Board,[3] the local authority may, after giving not less than fourteen days' notice to the person so in possession, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent but subject to the payment to the person so in possession of the like compensation with such interest thereon as aforesaid as if the local authority had been authorised to purchase the land compulsorily and such person had in pursuance of such power been required to quit possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845.

AMENDMENT OF PROCEDURE FOR COMPULSORY ACQUISITION OF LAND.

11.—(1) Paragraph (7) of the First Schedule to the Housing, Town Planning, &c., Act, 1909 (which provides for special procedure in the case of the acquisition of land, for the purposes of Part III. of the principal Act, situate in London or in a borough or urban district), shall cease to have effect.[1]

(2) Where the confirming of an order made under that schedule is opposed, the Local Government Board[2] shall, before confirming the order, duly consider the report of the person by whom, under paragraph (6) of the said schedule,[3] a public inquiry is held, and the Local Government Board shall not confirm any order for the compulsory acquisition of land under that schedule, even when the order is unopposed, if they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired.

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[2] This clause only applies when the local authority have come to an agreement with the owner and is directed against the occupier.

[3] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

NOTES TO SECTION 11.

[1] Paragraph 7 of the First Schedule to the Act of 1909 required the Local Government Board to hold an inquiry by an inspector of the Board as to whether the land proposed to be acquired was suitable for the purpose and whether having regard to the extent or situation of the land and the purposes for which it was used, it could be acquired without undue detriment to the persons interested in it or owners of adjoining land. If the inspector reported that it was unsuitable or could not be acquired without such detriment as aforesaid, then if the Local Government Board confirmed the order for its acquisition otherwise than subject to modifications to give effect to the specified condition, the order was provisional only and required Parliamentary confirmation.

[2] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[3] Paragraph 6 of the schedule referred to is given *post*.

(3) Notwithstanding the provisions of paragraph (6) of the First Schedule to the Housing, Town Planning, &c., Act, 1909, any order for the compulsory acquisition of land which is duly submitted after the date of the passing of this Act, and before the expiration of two years from that date, by a local authority under the provisions of Part I. of the Housing, Town Planning, &c., Act, 1909, may be confirmed by the Local Government Board without a public inquiry.

(4) The amendments to the said schedule effected by this Act shall apply to that schedule as originally enacted but not as applied by any other enactment.[4]

ADDITIONAL POWERS AS TO ACQUISITION OF LAND AND HOUSES.

12.—(1) The powers of a local authority to acquire land for the purposes of Part III. of the principal Act shall be deemed to include power—

(a) to acquire any houses or other buildings on the land proposed to be acquired as a site for the erection of houses for the working classes; and

(b) to acquire any estate or interest in any houses which might be made suitable as houses for the working classes, together with any lands occupied with such houses;

and the local authority shall have power to alter, enlarge, repair and improve any such houses or buildings, so as to render them in all respects fit for habitation as houses for the working classes.[1]

(2) The purposes for which land may be acquired under Part III. of the principal Act shall be deemed to include—

(a) the lease or sale of the land, under the powers conferred by this Act, with a view to the erection thereon of houses for the working classes by persons other than the local authority; and[2]

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[4] Housing Acts (Compulsory Purchase) Regulations, 1919, issued under the First Schedule of the Act of 1909, as now amended, are given in the Appendix.

NOTES TO SECTION 12.

[1] The powers of a local authority under Part III. in previous Housing Acts are contained in sections 53, 57, 58 and 59 of the principal Act—section 1 of the Act of 1900, section 11 of the Act of 1903, and section 2 (3) of the Act of 1909. Under section 59 of the principal Act local authorities already possess power to convert any buildings on land acquired by them under a Part III. scheme. Section 12 of this Act enables local authorities to acquire estate in suitable buildings without acquiring land and convert them into dwelling-houses for the working classes. Local authorities have already possessed power under section 57 (2) of the principal Act (repealed by the Fifth Schedule to this Act and substituted by clause 3 of this section) to purchase or lease "lodging-houses [defined in section 53 of the principal Act] for the working classes already or hereafter to be built and provided"; that is buildings built or to be built as dwellings for the working classes. Under section 12 of this Act they can acquire buildings not originally built or intended for the working classes.

[2] This provision and section 15 (1), *post*, take the place of a more restricted provision in section 5 (1) of the Act of 1900, repealed by the Fifth Schedule to this Act. Under the repealed section the local authority were only empowered to lease the land and were required to insert in the lease provisions to insure the user of the land exclusively as dwelling-houses for the working classes. As to conditions of sales and leases under this Act, see section 15.

(b) the lease or sale under the powers conferred by this Act of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the local authority are necessary or desirable for or incidental to the development of the land as a building estate, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation, and other works or buildings for or for the convenience of persons belonging to the working classes and other persons.[3]

(3) Subject to the consent of the Local Government Board [4] and to such conditions as the Board may prescribe, a local authority may, for the purposes of Part III. of the principal Act, contract for the purchase by or lease to them of houses suitable for the working classes, whether built at the date of the contract or intended to be built thereafter.[5]

POWER TO ACQUIRE IN ADVANCE LANDS IN AREAS PROPOSED FOR INCLUSION IN IMPROVEMENT SCHEMES UNDER PARTS I. AND II. OF PRINCIPAL ACT.

13. Where a local authority have under section four of the principal Act passed a resolution that an area is an unhealthy area and that an improvement scheme ought to be made in respect of such area, or have under section thirty-nine of the principal Act passed a resolution directing a scheme to be prepared for the improvement of an area, the local authority may, with the consent of and subject to any conditions imposed by the Local Government Board,[1] acquire by agreement any lands included within the area notwithstanding that the scheme may not at the time of acquisition have been made by the local authority or confirmed or sanctioned by the Local Government Board; and the acquisition of such lands shall be deemed to be a purpose for which the local authority may borrow money under and subject to the provisions of Part I. or, as the case may be, Part II. of the principal Act.[2]

POWER TO ACQUIRE WATER RIGHTS.

14. A local authority or a county council may, notwithstanding anything in section three hundred and twenty-seven or section three

[3] Compare section 11 of the Act of 1903, under which the local authority with the consent of the Ministry can provide shops, recreation grounds or other buildings or land serving a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation is provided. As to conditions under this section, see section 15 of this Act, *post*.

[4] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[5] This provision takes the place of section 57 (2) of the principal Act, repealed by the Fifth Schedule of this Act. Under the said section 57 (2) the local authority did not require to obtain consent from the Local Government Board.

NOTES TO SECTION 13.

[1] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[2] Under section 2 (3) of the Act of 1909 a local authority is already able, with the consent of the Ministry, to acquire lands for the purposes of Part III., "notwithstanding that the land is not immediately required for those purposes."

hundred and thirty-two of the Public Health Act, 1875 [38 & 39 Vict. c. 55], but subject to the provisions of section fifty-two of that Act,[1] be authorised to abstract water from any river, stream, or lake, or the feeders thereof, whether within or without the district of the local authority or the county, for the purpose of affording a water supply for houses provided or to be provided under a scheme made under the Housing Acts, and to do all such acts as may be necessary for affording a water supply to such houses, subject to a prior obligation of affording a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction, in like manner and subject to the like restrictions as they may be authorised to acquire land for the purposes of the scheme:[2]

Provided that no local authority or county council shall be authorised under this section to abstract any water which any local authority, corporation, company, or person are empowered by Act of Parliament to impound, take or use for the purpose of supply within any area, or any water the abstraction of which would, in the opinion of the Local Government Board,[3] injuriously affect the working or management of any canal or inland navigation.[4]

POWERS OF DEALING WITH LAND ACQUIRED.

15.—(1) Where a local authority have acquired[1] or appropriated any land for the purposes of Part III. of the principal Act, then, without prejudice to any of their other powers under that Act, the authority may—

(a) lay out and construct public streets or roads and open spaces on the land;[2]

NOTES TO SECTION 14.

[1] Section 52 prohibits a local authority from constructing waterworks within the limits of supply of a water company if that company are able and willing to maintain a sufficient service. Section 327 contains a saving for works and property of certain authorities and for navigation and water rights. Section 332 contains a saving for water rights generally.

[2] It is submitted that right to compensation is not defeated by this section. It was not the intention of the Government that it should be so defeated (see Standing Committee A, 8th May, 1919, col. 134).

[3] For "Local Government Board" now read "Ministry of Health." See Note 3, section 1.

[4] In the debate on this provision in Standing Committee A of the House of Commons (8th May, 1919, col. 138), the Ministry of Health undertook to notify all local authorities affected by an application by one local authority under this section and give them an opportunity of being heard.

NOTES TO SECTION 15.

[1] Under section 12 (2) of this Act, the local authority may acquire land expressly to lease or re-sell.

[2] This provision replaces section 6 of the Act of 1909, repealed by the Fifth Schedule to this Act. That section read: "Any local authority in connexion with the exercise by them of their powers under Part III. of the principal Act may lay out and construct streets or roads on any land acquired or appropriated by them for the purpose of that Part of that Act, or contribute towards the cost of the laying-out and construction of any streets or roads on any such land by other persons on the condition that those streets or roads are to be dedicated to the public."

(b) with the consent of the Local Government Board [3] sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect and maintain thereon such number of houses suitable for the working classes as may be fixed by the local authority in accordance with plans approved by them, and when necessary will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the local authority, are necessary or desirable for or incidental to the development of the land as a building estate in accordance with plans approved by the local authority, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the working classes and other persons;[4]

(c) with the consent of the Local Government Board [3] sell the land or exchange it for land better adapted for those purposes, either with or without paying or receiving any money for equity of exchange;[5]

(d) with the consent of the Local Government Board [3] sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose either in regard to the maintenance of the houses as houses for the working classes or otherwise in regard to the use of the houses, and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to payment of part thereof being secured by a mortgage of the premises:

Provided that it shall be a condition of such sale or lease that the houses shall not be used by any person for the

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[3] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[4] By section 5 of the Act of 1900 (repealed by the Fifth Schedule to this Act) the local authority were empowered to lease land for the exclusive purpose of building and erecting dwellings for the working classes. By section 11 (1) of the Act of 1903, which still remains on the Statute Book, a local authority "may provide and maintain, with the consent of the Local Government Board, and if desired jointly with any other person . . . any building adapted for use as a shop, any recreation grounds or other buildings or land which in the opinion of the Local Government Board will serve a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging-houses are provided."

[5] Sections 15 (1) (c) and 15 (3) displace section 60 of the principal Act and section 32 of the Act of 1909, both repealed by the Fifth Schedule to this Act. Section 60 of the principal Act enabled a local authority, with the consent of the Local Government Board, to sell land vested in them for the purposes of Part III. and apply the proceeds in or towards the purchase of other land better adapted and to exchange land so vested for land better adapted either with or without paying or receiving any money for equality of exchange. By section 32 of the Act of 1909 the proceeds of a sale under section 60 of the principal Act could be applied to any purposes including the repayment of borrowed money, for which capital money may be applied.

time being having any interest therein for the purpose of housing persons in his employment.

(2) Where a local authority under this section sell or lease land subject to any condition as to the erection thereon of houses, or the laying out and construction of streets or the development of the land, there shall be included in the conveyance or lease all such covenants and conditions as may be necessary to secure compliance with the condition aforesaid within a reasonable period, and to limit the amount of the rent [6] which may be charged in respect of the land or any part thereof or in respect of the houses erected thereon; and the local authority may contribute or agree to contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.[7]

(3) Land and houses sold or leased under the provisions of this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed, and any capital money received in respect of any transaction under this section shall be applied in or towards the purchase of other land for the purposes of Part III. of the principal Act, or with the consent of the Local Government Board [3] to any purpose, including the repayment of borrowed money, to which capital money may be properly applied.[8]

POWER OF LOCAL GOVERNMENT BOARD TO ASSIST IN PREPARATION OF SCHEMES.

16.—For the purpose of assisting in the preparation and carrying out of schemes under this Act, or for the purpose of securing the immediate provision of dwelling accommodation in the area of any local authority pending the preparation of a scheme by such authority, the Local Government Board[1] may, with the consent of the Treasury, acquire and hold lands and buildings, erect buildings, alter, enlarge, repair, and improve buildings, and dispose of any lands or buildings so acquired or erected, and for such purposes the Board may exercise any of the powers of a local authority under the Housing Acts in regard to the acquisition and disposal of land and buildings.

OCCUPATION OF HOUSE AT A RENTAL FROM LOCAL AUTHORITY NOT TO DISQUALIFY FOR ELECTION TO LOCAL AUTHORITY.

17.—For removing doubts it is hereby enacted that a person shall not, by reason only of the fact that he occupies a house at a rental from a local authority within the meaning of Part III. of the prin-

[6] As to the amount of rent, see schedule to the Regulations under this Act, *post*

[7] This provision is largely taken from section 6 of the Act of 1909, now repealed. See Note 2 above.

[8] Section 64 of the principal Act allowed a local authority to sell any dwellings established for seven years under Part III. of the principal Act if found to be unnecessary or too expensive, on the best terms that could reasonably be obtained. This provision is repealed by the Fifth Schedule to this Act.

NOTE TO SECTION 16.

For Local Government Board now read Ministry of Health. See Note 3 to section 1.

cipal Act, be disqualified from being elected or being a member thereof or any committee thereof.

Provisions for the assistance of public utility societies, housing trusts, and other persons.

POWERS OF PROMOTING AND ASSISTING PUBLIC UTILITY SOCIETIES.

18.—(1) A local authority within the meaning of Part III.[1] of the principal Act, or a county council, may promote the formation or extension of or, subject to the provisions of this section, assist a public utility society[2] whose objects include the erection, improvement or management of houses for the working classes, and where such a society is desirous of erecting houses for the working classes which, in the opinion of the Local Government Board,[3] are required, and the local authority of the area in which the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing the same to the society, the county council, on the application of the society, may for this purpose acquire land and exercise all the powers of a local authority under the Housing Acts in regard to the acquisition and disposal of land, and the provisions of those Acts as to the acquisition of land by local authorities within the meaning of Part III. of the principal Act shall apply accordingly.

(2) Any such local authority or county council with the consent of, and subject to any regulations or conditions which may be made or imposed by, the Local Government Board[3] may, for the assistance of such a society—

(a) make grants or loans to the society;

(b) subscribe for any share or loan capital of the society;

(c) guarantee or join in guaranteeing the payment of interest on money borrowed by the society or of any share or loan capital issued by the society;

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority or council think fit, and, notwithstanding the provisions of section four of the

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NOTES TO SECTION 18.

[1] Local authority within the meaning of Part III. See the First Schedule of the principal Act, and as regards London, section 41 of this Act.

[2] A definition of "public utility society" will be found in section 40, *post*. Section 18 is based on section 72 of the Act of 1909, which is repealed by the Fifth Schedule to this Act. That section read: "(1) A county council may promote the formation or extension of, and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object or one of their objects the erection or improvement of dwellings for the working classes. (2) A county council, with the consent of and subject to the regulations made by the Local Government Board, may for the purpose of assisting a society make grants or advances to the society or guarantee advances made to a society, upon such terms and conditions as to rates of interest and repayment, or otherwise, and on such security, as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow: Provided that the regulations of the Board shall provide that any such advance made on the security of any property shall not exceed two-thirds of the value of that property."

[3] "Local Government Board," now "Ministry of Health." See Note 3, section 1.

Industrial and Provident Societies Act, 1893 [56 & 57 Vict. c. 39],[4] where a local authority or county council assist such a society under this sub-section, the local authority or council shall not be prevented from having or claiming an interest in the shares of the society exceeding two hundred pounds.

(3) Any expenses incurred by a local authority (other than the London County Council)[5] under the provisions of this section shall be defrayed in the same manner as the expenses of the local authority under Part III. of the principal Act,[6] and the raising of money for the purpose of making grants or loans to or subscribing for the capital of a society under this section shall be a purpose for which the authority may borrow under that Part of that Act.[7]

(4) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes, and the raising of money for the purpose of making grants or loans to or subscribing for the capital of a society under this section shall be a purpose for which the council may borrow; provided that, where money is borrowed by the county council for that purpose, the maximum period for repayment shall be fifty years, and as respects money so borrowed fifty years shall be substituted for thirty years in sub-section (5) of section sixty-nine of the Local Government Act, 1888.[8]

POWER OF CONTRIBUTING TO COSTS INCURRED BY PUBLIC UTILITY SOCIETIES AND HOUSING TRUSTS.

19.—(1) Where a public utility society or a housing trust as defined by this Act[1] has submitted to the Local Government Board[2] a scheme for the provision of houses for the working classes and the scheme is approved by the Board, then, if the scheme is carried out within such period after the passing of this Act as may be specified by the Board with the consent of the Treasury,[3] the Board may pay

[4] Section 4 of the Industrial and Provident Societies Act, 1893, provides that no member other than a registered society shall have or claim any interest in the shares of the society exceeding £200.

[5] The London County Council is a local authority under the Housing Acts for the purposes of Parts I. and III. (see First Schedule to the principal Act). For the purposes of this section, the London County Council ranks, not as a local authority, but as a county council, and will come under clause 4 of the section.

[6] The manner in which the expenses of a local authority are to be defrayed under Part III. of the principal Act is defined in section 65 of that Act, and as regards rural district councils in section 31 of the Act of 1909.

[7] Provisions for borrowing under Part III. of the Housing Acts will be found in section 3, Act of 1909, section 1 of the Act of 1903, and section 66 of the Act of 1890.

[8] For section 69 (5) of the Local Government Act, 1888, see note to section 8 of this Act.

NOTES TO SECTION 19.

[1] For definitions, see section 40, *post*.

[2] "Local Government Board," now "Ministry of Health." See Note 3 to section 1.

[3] Reasonable progress must be made with the carrying into effect of the scheme within twelve months after the passing of the Act and must be carried into effect before the passing of the Act or such later date as the Ministry of Health may approve. See Public Utility Societies (Financial Assistance) Regulations and Housing Trusts (Financial Assistance) Regulations, 1919, *post*.

or undertake to pay out of moneys provided by Parliament such contributions towards the cost of carrying out the schemes as may be determined to be payable under regulations made by the Board with the approval of the Treasury, subject to such conditions (including conditions as to audit of accounts by district auditors) as may be prescribed by those regulations.[4]

(2) Such regulations shall provide that the amount of any annual payment to be made under this section shall be equivalent to thirty per centum of the annual loan charges which would have been payable in accordance with the regulations on the total capital expenditure incurred by the public utility society or housing trust for the purposes of the scheme if the amount of that expenditure had been borrowed from Public Works Loan Commissioners:

Provided that the regulations shall include provision for the reduction of the amount of the annual payment in the event of the Local Government Board being satisfied that the capital expenditure incurred by the public utility society or housing trust has been excessive.

(3) Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House, within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

LOANS TO PUBLIC UTILITY SOCIETIES.

20.—(1) The purposes referred to in sub-section (1) of section sixty-seven of the principal Act[1] for which the Public Works Loan Commissioners may advance money on loan shall extend to the purchase of houses which may be made suitable as houses for the working classes and to the purchase and development of land by a public utility society.

(2) Notwithstanding anything contained in the Public Works Loans Act, 1875 [38 & 39 Vict. c. 89], or any Act amending that Act, where a loan is made by the Public Works Loans Commissioners under section sixty-seven of the principal Act to a public utility society for the purpose of carrying out a scheme for the provision of houses for the working classes approved by the Local Government Board:—

(a) The maximum period for the repayment of the loan shall be fifty instead of forty years;[2]

(b) Money may be lent on the mortgage of an estate for a term of years absolute whereof a period not less than ten years in

[4] See the Public Utility Societies (Financial Assistance) Regulations, *post*.

NOTES TO SECTION 20.

[1] Section 67 (1) of the principal Act will be found in the Housing Acts, *post*.

[2] The period of 40 years is specified in section 67 (2) (b) of the principal Act.

excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan;[3]

(c) In the case of loans made during such period after the passing of this Act as may be specified by the Board[4] with the consent of the Treasury, the money advanced on the security of a mortgage of any land or dwellings solely shall not exceed seventy-five per cent. of the purchase price of the land and of the cost of its development and of the houses proposed to be mortgaged as certified by the Local Government Board; but advances may be made by instalments in respect of the purchase money of the land to be acquired, and of the cost of its development, and in respect of the building of any house or houses on the land mortgaged as such building progresses, so that the total of the advances do not at any time exceed the amount aforesaid; and a mortgage may accordingly be made to secure advances so to be made from time to time.[5]

LOANS TO PRIVATE PERSONS.

21. During a period of two years from the passing of this Act, the money which may be advanced by the Public Works Loans Commissioners to any private person[1] for the purpose of constructing houses for the working classes on the security of a mortgage of any land or dwellings solely may, if the Commissioners think fit and if the houses are constructed in accordance with plans approved by the Local Government Board,[2] exceed the amount specified in sub-section (2) of section sixty-seven of the principal Act,[3] but shall not exceed seventy-five per centum of the value of the estate or interest in such land or dwellings proposed to be mortgaged, and advances may be made by instalments from time to time as the building of the houses on the land mortgaged progresses, so that the total of the advances does not at any time exceed the amount last mentioned, and a mortgage may accordingly be made to secure advances so to be made from time to time.

LOANS BY LOCAL AUTHORITIES FOR THE IMPROVEMENT OF HOUSING ACCOMMODATION.

22.—(1) Where the owner of a house or building applies to the local authority, within the meaning of Part III. of the principal

[3] Under section 67 (2) (c), no money can be advanced on mortgage of any land or dwellings solely unless the estate therein proposed shall be either an estate in fee simple or an estate for a term of years absolute, whereof not less than fifty years shall be unexpired at the date of the advance.

[4] No period had been specified at the time of publication of this handbook.

[5] Under section 67 (2) (a) of this Act of 1890, as amended by section 4 (1) of the Act of 1909, the money advanced on the security of a mortgage shall not exceed, in the case of public utility societies, two-thirds of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in such land or dwellings proposed to be mortgaged.

NOTES TO SECTION 21.

[1] The private person must be "entitled to any land for an estate in fee simple or for any term of years absolute whereof not less than fifty years shall for the time being remain unexpired" (section 67 (1) (b) of the Act of 1890). Compare definition of "owner" in section 22 of this Act.

[2] For Local Government Board now read Ministry of Health. See Note 3 to section 1.

[3] The amount specified in section 67 (2) (d) of the principal Act, in case of a private person applying under section 67 (1) (b), is one moiety.

Act,[1] of the district in which the house is situated for assistance for the purpose of carrying out works for the reconstruction, enlargement, or improvement thereof, and the local authority are of opinion that after the works are carried out the house or building would be in all respects fit for habitation as a house or as houses for the working classes, and that the circumstances of the district in regard to housing accommodation are such as to make it desirable that the works should be carried out, the local authority may lend to the owner the whole or any part of such sum as may be necessary to defray the cost of the works, and any costs, charges or expenses incidental thereto:

Provided that the loan shall not exceed one half of the estimated value of the property mortgaged, unless some additional or collateral security is given sufficient to secure the excess.[2]

(2) Before the works are commenced, full particulars of the works and, where required by the local authority, plans and specifications thereof shall be submitted to the local authority for their approval and before any loan is made the authority shall satisfy themselves that the works in respect of which the loan is to be made have been carried out in a satisfactory and efficient manner.

(3) The raising of money for the purpose of making a loan under this section shall be a purpose for which the local authority may borrow for the purposes of Part III. of the principal Act.

(4) For the purpose of this section "owner" means any person whose interest, or any number of persons whose combined interests, constitute either an estate of fee simple in possession or, in the case of copyhold land, a similar estate, or a leasehold interest in possession for a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the loan remains unexpired at the date of the loan.[3]

PROVISIONS AS TO SALE OF BUILDING MATERIALS.

23.—Subject to any conditions prescribed by the Local Government Board [1] with the consent of the Treasury, any bricks or other building materials which have been acquired by a Government Department for the purpose of the erection or improvement of houses for the working classes, may during a period of five years from the passing of this Act be sold to any person who undertakes to use the

NOTES TO SECTION 22.

[1] Local authority within the meaning of Part III. See First Schedule to the principal Act, and as regards London, section 41 of this Act.

[2] The text of the first clause of the section and of the second clause seem inconsistent. The first clause apparently permits the local authority to advance the loan on being satisfied that "after the works are carried out the house or building would be in all respects fit for habitation." The second clause forbids them to make the loan until the works in respect of which the loan is made "have been carried out."

[3] Compare the definition of a private person to whom the Public Works Loans Commissioners may make loans contained in section 67 (1) (b) of the Act of 1890.

NOTE TO SECTION 23.

[1] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1

same forthwith for the purpose of erecting or improving houses for the working classes and to comply with the said conditions at a price sufficient to cover the cost of replacement at the time of sale of the materials so sold.

Relaxation of Bye laws.

RELAXATION OF BYE-LAWS.

24.—(1) Where in pursuance of a housing scheme to which this section applies new buildings are constructed, or public streets and roads are laid out and constructed, in accordance with plans and specifications approved by the Local Government Board,[1] the provisions of any building bye-laws[2] shall not apply to the new buildings and new streets[3] constructed and laid out in pursuance of the scheme so far as those provisions are inconsistent with the plans and specifications approved by the Local Government Board, and, notwithstanding the provisions of any other Act, any street laid out and constructed in accordance with such plans and specifications may be taken over and thereafter maintained by the local authority:

Provided that, as regards the administrative county of London, the Board shall not approve any plans and specifications inconsistent with the provisions of any building bye-laws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connection with housing schemes.

(2) Where the Local Government Board[1] have approved plans and specifications which in certain respects are inconsistent with the provisions of any building bye-laws in force in the district[4] in which the works are to be executed, any proposals for the erection therein of houses and the laying out and construction of new streets which do not form part of a housing scheme to which this section applies may, notwithstanding those provisions, be carried out if the local authority or, on appeal, the Local Government Board[1] are satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved, and that, where such plans and specifications have been approved subject to any conditions, the like conditions will be complied with in the case of proposals to which this sub-section applies:

Provided that, in the application of this sub-section to the administrative county of London, the expression "local authority" means the London County Council with respect to the matters within their jurisdiction and the Common Council of the City of London

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NOTES TO SECTION 24.

[1] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[2] For definition of "bye-laws," see section 40, *post*.

[3] For what constitutes a new building for purposes of bye-laws see section 159 of the Public Health Act, 1875, and section 23 of the Public Health Acts Amendment Act, 1907.

[4] It is submitted that "district" means the district of the local authority in whose area the works are to be executed, as defined in the First Schedule to the Act of 1890.

or the council of a metropolitan borough (as the case may be) with respect to other matters.

(3) The housing schemes to which this section applies are schemes made by a local authority or county council under the Housing Acts or by a public utility society or housing trust, and approved by the Local Government Board.

(4) Subject to any conditions which may be prescribed by the Local Government Board, the provisions of any building bye-laws shall not apply to any new buildings and new streets constructed and laid out by a county council or local authority in accordance with plans and specifications approved by the Board of Agriculture and Fisheries under the Small Holdings and Allotments Acts, 1908 and 1910 [8 Edw. 7, c. 36, 10 Edw. 7, and 1 Geo. 5, c. 34], or any Act amending the same.

CONSENT OF LOCAL AUTHORITY TO ERECTION AND USE OF BUILDINGS.

25.—(1) Notwithstanding the provisions of any building bye-laws, a local authority may, during a period of three years from the passing of this Act, consent to the erection and use for human habitation of any buildings erected or proposed to be erected in accordance with any regulations made by the Local Government Board.[1]

(2) The local authority may attach to their consent any conditions which they may deem proper with regard to the situation, sanitary arrangements, and protection against fire of such buildings and may fix and from time to time extend the period during which such buildings shall be allowed to be used for human habitation.

(3) If any person feels aggrieved by the neglect or refusal of the local authority to give such consent or by the conditions on which such consent is given, or as to the period allowed for the use of such buildings for human habitation, he may appeal to the Local Government Board,[1] whose decision shall be final, and shall have effect as if it were the decision of the local authority, provided that the Board may, before considering any such appeal, require the appellant to deposit such sum, not exceeding ten pounds, to cover the costs of appeal, as may be fixed by rules to be made by them.[2]

(4) Section twenty-seven of the Public Health Acts Amendment Act, 1907 [7 Edw. 7. c. 53), shall not apply to any buildings to which this section applies.[3]

NOTES TO SECTION 25.

[1] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[2] Rules for appeal to the Ministry will be found, *post*.

[3] Section 27 of the Public Health Acts Amendment Act, 1907, provides that before a person erects a temporary building he shall apply to the local authority for permission to do so, and accompany his application by plans and sections drawn to specified scales and a specification of the materials. The local authority are required to signify their approval or disapproval in writing within one month after delivery of the plans, sections and specification, and they may attach to their approval conditions as to sanitation, ingress and egress, protection from fire and the period during which the building shall be allowed to stand. If any such building is set up without compliance with the provisions of the section, the owner becomes liable to a daily penalty not exceeding forty shillings.

(5) In the application of this section to the administrative county of London, the expression "local authority" means the London County Council with respect to matters within their jurisdiction, and the common council of the City of London or the council of a Metropolitan borough (as the case may be) with respect to other matters.

Miscellaneous.

BYE-LAWS RESPECTING HOUSES DIVIDED INTO SEPARATE TENEMENTS.

26.—(1) The power of making and enforcing bye-laws under section ninety of the Public Health Act, 1875 [54 & 55 Vict. c. 76], and section ninety-four of the Public Health (London) Act, 1891,[1] shall in the case of houses intended or used for occupation by the working classes be deemed to include the making and enforcing of bye-laws—

(a) for fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for separation of the sexes therein;[2]

(b) for the registration and inspection of such houses;

(c) for enforcing drainage and promoting cleanliness and ventilation of such houses;

(d) for requiring provision adequate for the use of and readily accessible to each family of—

(i.) closet accommodation;

(ii.) water supply and washing accommodation;[3]

(iii.) accommodation for the storage, preparation, and cooking of food:

and, where necessary,[4] for securing separate accommodation as aforesaid for every part of such house which is occupied as a separate dwelling;

(e) for the keeping in repair and adequate lighting of any common staircase in such houses;

(f) for securing stability, and the prevention of and safety from fire;

NOTES TO SECTION 26.

[1] Section 25 (1) (a) to (c) is, with slight verbal variations, a reproduction of sections 90 of the Public Health Act, 1875, and 94 of the Public Health (London) Act, 1891, which enable sanitary authorities to make by-laws as to lodging houses other than common lodging houses. Section 16 of the Act of 1909, which extended the power of making such by-laws, is repealed by the Fifth Schedule to this Act.

[2] The words of clause (a) are *ipsissima verba* of section 90 (1) of the Public Health Act, 1875, and of section 94 (1) (a) of the Public Health (London) Act, 1891, down to the word "sexes."

[3] It is submitted that "washing accommodation" means washing of the person and does not include washing of clothes. Such accommodation must, however, consist of more than a tap to render it more than a mere "water supply."

[4] It is submitted that "where necessary" is to be construed as where "provision adequate for the use of and readily accessible to each family" has not otherwise been made.

(g) for the cleansing and redecoration of the premises at stated times, and for the paving of the courts and courtyards;

(h) for the provision of handrails, where necessary, for all staircases of such houses;

(i) for securing the adequate lighting of every room in such houses;

and any such bye-laws, in addition to any other penalty, may prohibit the letting for occupation by members of more than one family of any such house unless the same are complied with, subject in the case of houses so let or occupied at the time when such bye-laws come into force to the allowance of a reasonable time for the execution of any works necessary to comply therewith.

(2) Such bye-laws may impose the duty of executing any work required to comply therewith upon the owner within the meaning of the Public Health Acts of any such house, or upon any other person having an interest in the premises, and may prescribe the circumstances and conditions in and subject to which any such duty is to be discharged.[5]

(3) For the purpose of discharging any duty so imposed, the owner or other person may at all reasonable times enter upon any part of the premises, and section fifty-one of the principal Act shall apply as if for the reference to the provisions of Part II. of that Act there were substituted a reference to the provisions of such bye-laws and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.[6]

(4) Where an owner or other person has failed to execute any work which he has been required to execute under the bye-laws, the local authority by whom such bye-laws are enforced may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of sub-section (5) of section fifteen of the Housing, Town Planning, &c., Act, 1909, with respect to the execution of works and the recovery of expenses by local authorities, shall apply as if the owner or other person were the landlord, and with such other adaptations as may be necessary.[7]

(5) If in the opinion of the Local Government Board[7a] premises are being occupied by members of more than one family or are intended to be converted for such occupation in the district of any local authority, and either no bye-laws have been made by the local authority for the purposes specified in sub-section (1) of this section, or the bye-laws made are not sufficient properly to regulate such occupation or conversion, the Local Government Board may themselves make bye-laws for such purposes which shall have effect and shall be enforced as if they had been made by the local authority.

(6) Where the person on whom obligations are imposed by any

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[5] Section 16 (1) of the Act of 1909, repealed by the Fifth Schedule to this Act, made a similar provision but did not extend to "any other person having an interest in the premises."

[6] This provision is identically section 16 (2) of the Act of 1909, repealed by the Fifth Schedule to this Act.

[7] A similar provision, with slight verbal differences, was made in section 16 (4) of the Act of 1909, repealed by the Fifth Schedule to this Act.

[7a] For "Local Government Board" now read "Ministry of Health"; see Note 3, section 1.

bye-laws made for the purposes specified in sub-section (1) of this section with respect to houses so occupied as aforesaid holds the premises under a lease or agreement and satisfies the local authority that compliance with such bye-laws is contrary to the provisions of the lease or agreement, or that the whole or any part of the expenses of carrying out the obligations ought to be borne by his lessor or other superior landlord, the local authority may make application to the county court, and the county court may, after giving the lessor or any such superior landlord an opportunity of being heard,—

(a) in the first case, order that the provisions of the lease or agreement be relaxed so far as they are inconsistent with the requirements of the bye-laws;

(b) in the second case, grant to the person who carries out the works necessary for compliance with the bye-laws, on proof to the satisfaction of the local authority that the works have been properly carried out, a charging order charging on the premises an annuity to repay the expenses properly incurred in carrying out the works or such part of those expenses as the county court consider ought to be charged.[8]

(7) The annuity shall be of such amount and extend over such number of years as the county court may determine.

(8) Sub-section (3) of section thirty-six and section thirty-seven except sub-section (4) of the principal Act, and section nineteeen of the Housing, Town Planning, Etc., Act, 1909, shall apply to charging orders and annuities under this section in like manner as to charging orders and annuities under the said section thirty-six.[9]

(9) Where a local authority have themselves acquired a leasehold interest in any house under the powers conferred upon them by this Act, the Local Government Board,[10] on the application of the local authority, may make a similar order with regard to the relaxation of the provisions of the lease, and to charging an annuity on the premises as might, had the lessee not been the local authority, have been made on the application of the local authority by the county court, and in that case the decision of the Local Government Board as to the amount and duration of any such annuity shall be final.

(10) This section shall apply to the administrative county of London with the following modifications:—

(a) As respects the county of London, the bye-laws for the purposes specified in sub-section (1) of this section shall be made by the London County Council, and any bye-laws so made shall supersede any bye-laws made for those purposes by the

[8] It was stated during the Parliamentary debates on the Act that section 25 (6) was designed with special view to quondam fashionable areas which have undergone a change in character. In such areas houses are not uncommonly used as lodging houses against the terms of a lease.

[9] Under section 36 of the Act of 1890 and section 19 of the Act of 1909 an owner who has completed in respect of any dwelling house works required by the local authority to be done, may obtain an order charging on the property an annuity to repay the expenses he has incurred in executing the works. The annuity is at the rate of £6 for every £100 expended upon the property and is in the nature of a rent charge for thirty years. Such an annuity may be redeemed by payment of an agreed sum or, in default, such sum as the Ministry of Health may determine.

[10] Local Government Board, now Ministry of Health; see Note 3, sect. 1.

council of any metropolitan borough, and shall be observed and enforced by the council of each metropolitan borough except as regards bye-laws for the purposes specified in paragraph (f) of sub-section (1) which shall be enforced by the London County Council;

(b) As respects the City of London, such bye-laws shall be made and enforced by the common council except as regards bye-laws for the purposes specified in paragraph (f) of sub-section (1), which shall be made and enforced by the London County Council.

POWER TO AUTHORISE CONVERSION OF A HOUSE INTO SEVERAL TENEMENTS.

27. Where it is proved to the satisfaction of the county court on an application by the local authority or any person interested in a house that, owing to changes in the character of the neighbourhood in which such house is situate, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements,[1] and that, by reason of the provisions of the lease or of any restrictive covenant affecting the house or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think just.

REPAIR OF HOUSES.

28.—(1) If the owner of any house[1] suitable for occupation by persons of the working classes fails to make and keep such house in all respects reasonably fit for human habitation then, without prejudice to any other powers,[2] the local authority may serve a notice upon the owner[3] of such house requiring him within a reason-

NOTE TO SECTION 27.

[1] It is to be noticed that this section is not limited in its application to houses or tenements for the working classes. As drafted it was so limited in application, but the words "working classes" were eliminated from the section on amendment by Standing Committee.

NOTE TO SECTION 28.

[1] Sections 14 and 15 of the Act of 1909 contain similar provisions to section 28 of this Act, but those sections are limited to houses not exceeding certain rentals and only apply during holding under contracts of letting. There are other points of differences noted below.

[2] The local authority may proceed by closing order under Part I. of the Act of 1890 or may proceed under section 15 of the Act of 1909, if the rental of the house is within the limits fixed by section 13 of that Act. But if the local authority do proceed under the said section 15, the "landlord" (see note next below) has an unfettered option of closing the house, and if he exercises that option, the local authority cannot then do the repairs. The local authority if the owner applies may make a loan under section 22 of this Act for the reconstruction, enlargement or improvement of the house; or if the house is let in lodgings the local authority may proceed under the by-laws respecting such houses under section 26 of this Act.

[3] "Owner" is defined by clause 6 of this section as having the same meaning as in the Public Health Act, 1875. By section 4 of the said Act "owner" means "the person for the time being receiving the rack rent of

able time, not being less than twenty-one days, specified in the notice, to execute such works as may be necessary to make the house in all respects reasonably fit for human habitation:

Provided that, if such house is not capable without reconstruction of being rendered fit for human habitation, the owner may, within twenty-one days after the receipt of such notice, by written notice to the local authority declare his intention of closing the house for human habitation, and thereupon a closing order shall be deemed to have become operative in respect of such house. Any question arising under this proviso shall, in case of difference between the owner and the local authority, be determined by the Local Government Board.[4]

(2) If the notice of the local authority is not complied with, the local authority, may—

(a) at the expiration of the time specified in that notice if no such notice as aforesaid has been given by the owner; and

(b) at the expiration of twenty-one days from the determination by the Local Government Board[4] if such notice has been given by the owner, and the Local Government Board have determined that the house is capable without reconstruction of being made fit for human habitation;

do the work required to be done.

(3) Any expenses incurred by the local authority under this section may be recovered in a court of summary jurisdiction,[5] together with interest at a rate not exceeding five pounds per centum per annum from the date of service of a demand for the same till payment thereof from the owner, and until recovery of such expenses and interest the same shall be a charge on the premises. In all summary proceedings by the local authority for the recovery of any such expenses, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

(4) The local authority may by order declare any such expenses to be payable by monthly or annual instalments within a period not exceeding thirty years with interest at a rate not exceeding five pounds per centum per annum from the rate of the service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner or occupier, and, if recovered from

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the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack rent." Compare definition of "landlord" under section 15 of the Act of 1909 and definition of "owner" in section 22 of this Act.

[4] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[5] A sum declared to be a civil debt recoverable summarily is to be deemed a sum for payment of which a court of summary jurisdiction has authority by law to make an order on complaint (Summary Jurisdiction Act, 1879, section 35). Such an order is not, in default of distress or otherwise, enforceable by imprisonment unless it is proved that the person in default has, or has had since the date of the order, means to pay the sum in respect of which he is in default. In such a case the court has the same power of imprisonment as a county court under the "Debtors Act, 1869."

the occupier, may be deducted by him from the rent of such premises.

(5) In this section "owner" shall have the same meaning as in the Public Health Act, 1875.[6]

(6) This section shall be deemed to be part of Part II. of the principal Act.

INFORMATION TO TENANTS OF HOUSES FOR THE WORKING CLASSES.

29. In the case of houses intended or used for occupation by the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is directly responsible for keeping the house in all respects reasonably fit for human habitation [1] shall be inscribed in every rent book or, where a rent book is not used, shall be delivered in writing to the tenant at the commencement of the tenancy and before any rent is demanded or collected; and, if any person demands or collects any rent in contravention of the provisions of this section, he shall in respect of each offence be liable on summary conviction to a fine not exceeding forty shillings.

POWER TO AUTHORISE SUPERIOR LANDLORD TO ENTER AND EXECUTE WORKS.

30.—(1) Where it is proved to the satisfaction of the court on an application in accordance with rules of court of any person entitled to any interest in any land used in whole or in part as a site for houses for the working classes, that the premises on the land are or are likely to become dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced, or that the applicant should be entrusted with the carrying out of a scheme of reconstruction or improvement approved by the local authority of the district in which the land is situate, the court may make an order empowering the applicant forthwith to enter on the land and within the time fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative underlease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.

(2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose area the land is situated or which has approved a scheme of reconstruction or improvement under this section to

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[6] See Note 3, page 32.

NOTE TO SECTION 29.

[1] The Housing Acts contain no definition of "houses for the working classes." Sections 14 and 15 of the Act of 1909, however, cast upon the landlord of houses within certain limits of rental the responsibility of maintaining the house reasonably fit for human habitation, and as in the case of houses beyond this rental, this responsibility does not attach to the landlord by Common Law. But section 29 of this Act in making it an obligation to insert the name of the medical officer as well as that of the person responsible for repair, cannot be regarded as limited to houses of the rentals fixed in sections 14 and 15 of the Act of 1909. See also the definition of "landlord" in section 15 (7) of the Act of 1909.

exercise such supervision or take such action as may be necessary for the purpose.

(3) For the purposes of this section, "court" means the High Court of Justice, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.

EXTENSION OF POWERS UNDER SETTLED LAND ACTS.

31. The powers conferred upon a tenant for life by the Settled Land Acts, 1882 to 1890, shall include the following further powers—

(a) A power to make a grant in fee simple or absolutely, or a lease for any term of years, for a nominal price or rent or for less than the best price or rent which could be obtained for the purpose of the erection thereon of dwellings for the working classes or the provision of gardens to be held in connection therewith. Provided that no more than two acres in the case of land situate in an urban district or ten acres in the case of land situate in a rural district shall be granted as a site for such dwellings or gardens in any one parish without payment of the full price or rent for the excess, except under an order of the court;[1]

(b) A power, where money is required for the provision of dwellings available for the working classes, to raise the money on mortgage of the settled land or of any part thereof by conveyance of the fee simple or other the estate subject to the settlement or by creation of a term of years in the settled land or any part thereof or otherwise, and the money so raised shall be capital money for that purpose and may be paid or applied accordingly.[2]

PENALTY ON RE-LETTING HOUSE ORDERED TO BE CLOSED.

32. If any owner[1] of a house in respect of which a closing order is in force, or any other person, lets or attempts to let or occupies or permits to be occupied that house or any part thereof as a dwelling-house, he shall on summary conviction be liable to a fine not exceeding twenty pounds.

NOTE TO SECTION 30.

Compare section 47 of the Act of 1890, under which a superior landlord may apply to a court of summary jurisdiction for an order empowering him to enter into possession of a building in respect of which a closing or demolition order has been made. Section 28 of this Act is designed to prevent the necessity of closing or other orders by the local authority arising.

NOTE TO SECTION 31.

[1] This is an extension of the power conferred on tenants for life by section 74 of the principal Act. Under that section a tenant for life could sell, exchange or lease land for the erection of dwellings for the working classes at the best price, consideration or rent obtainable having regard to the purpose, although a higher price, consideration or rent might be obtained for another purpose.

[2] Section 7 of the Act of 1909 includes expenditure on housing for the working classes as an improvement on which capital money arising under the Settled Land Acts may be expended, but only with the consent of the trustees of the settlement.

NOTE TO SECTION 32.

[1] The meaning of any "owner" is not clear. It is submitted that it should be construed as meaning any person with sufficient interest to pre-

AMENDMENT OF S. 11 OF PRINCIPAL ACT.

33. The enactments regulating the provision to be made under Part I. of the principal Act for the accommodation of persons of the working classes displaced by the operation of a scheme under that Part shall be the same in cases where the area comprised in the scheme is situate in the county or city of London as in other cases, and accordingly sub-section (1) of section eleven of that Act, and in sub-section (2) the words "where" and "comprises an area situate elsewhere than in the county or city of London, it" shall be repealed.

ARRANGEMENTS BETWEEN THE LOCAL GOVERNMMNT BOARD AND OTHER DEPARTMENTS.

34. The Local Government Board[1] may make arrangements with any other Government Department for the exercise or performance by that Department of any of their powers and duties under the Housing Acts which in their opinion could be more conveniently so exercised and performed, and in such case the Department and officers of the Department shall have the same powers and duties as are by the Housing Acts conferred on the Local Government Board and their officers.

PROVISIONS OF HOUSING ACTS NOT TO BE AFFECTED BY THE INCREASE OF RENT AND MORTGAGE INTEREST (WAR RESTRICTIONS) ACT, 1915. [5 & 6 Geo. 5. c. 97.]

35. Nothing in the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, or in the enactments amending that Act, shall be deemed to affect the provisions of section seventeen of the Housing, Town Planning, &c., Act, 1909, or to prevent a local authority from obtaining possession of any house the possession

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vent any of the offences under the section. There can only be one owner who can legally let premises, and under the words "permits to be occupied" an offence may be committed without any contract of letting. Section 17 (4) of the Act of 1909 provides that the existing occupier of a dwelling-house in respect of which a closing order has become operative shall be served with a notice to quit and in default shall be liable on summary conviction to be ordered to quit.

NOTE TO SECTION 33.

Under section 11 (1) of the Act of 1890 every improvement scheme comprising an area in the county or city of London was required to provide accommodation for at least as many persons of the working class as were displaced in the area in suitable dwellings, which, in the absence of special reasons to the contrary, were required to be situate in the same area or its vicinity; provided that it might be proved to the Local Government Board that equally accommodation had been or was about to be provided, either by the local authority or by any other body of persons or person, other than within the area or its vicinity, and provided that the local authority might apply for dispensation on the ground of special local circumstance. Section 11 (2) provided for the rest of the country, and its terms are now made general and extended to London.

NOTE TO SECTION 34.

[1] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

of which is required by them for the purpose of exercising their powers under the Housing Acts or under any scheme made under those Acts.

COMPENSATION IN CASES OF SUBSIDENCE.

36. Notwithstanding anything in section fifty of the Brine Pumping (Compensation for Subsidence) Act, 1891 [54 & 55 Vict. c. 40], a local authority or county council shall be entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to any houses belonging to such local authority or council, and provided under a housing scheme towards the losses on which the Local Government Board is liable to contribute under this Act.

APPLICATION OF ACT TO NEW FOREST.

37. The provision of houses under the Housing Acts shall be deemed to be a local sanitary requirement for the purpose of the New Forest (Sale of Lands for Public Purposes) Act, 1902 [1 Edw. 7. c. cxcviii. Local and Private). Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed 30 acres.

EXTENSION OF POWERS OF COMMISSIONERS OF WOODS.

38. The Commissioners of Woods may under and in accordance with the provisions of the Crown Lands Acts, 1829 to 1906, sell or let to a local authority for the purposes of Part III. of the principal Act any part of the land described on the duplicate plans which

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NOTE TO SECTION 35.

Section 1 (3) of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, provides: "No order for the recovery of a dwelling-house to which this Act applies or for the ejectment of a tenant therefrom shall be made" so long as the tenant continues to pay rent at the agreed rate as modified by the Acts and performs the other conditions of his tenancies except under circumstances specified by the Acts. Section 17 of the Act of 1909 deals with the duties of a local authority with reference to closing orders. The case of a superior landlord requiring possession under section 30 of this Act does not require special exemption under section 35 from the Increase of Rent and Mortgage Interest (War Restrictions) Acts. The court terminates the lease, and the tenant thereupon becomes a traspasser if he holds over.

NOTE TO SECTION 36.

Section 50 of the Brine Pumping (Compensation for Subsidence) Act, 1891, reads: "Nothing in this Act shall entitle the following persons or bodies of persons to compensation from any compensation board, namely:— (1) Any railway or canal company: Provided always, that a railway or canal company shall be entitled to compensation in respect of buildings or other property which are not in connection with the railway or canal, and are not used for the purposes of traffic thereon. (2) Any gas or water company. (3) Any county council, or municipal corporation. (4) Any sanitary, highway or other local authority. (5) Any brine pumper. (6) Any owner of land who receives brine rents, royalties for salt, or other remuneration or consideration in respect of such works. (8) The trustees of the River Weaver Navigation. Except as provided by this Act no action or other proceedings shall be commenced or taken for or in respect of any damage or injury for which compensation has been claimed under this Act"

have been deposited with the Clerk of Parliaments and the Clerk of the House of Commons notwithstanding that such land may be part or parcel of a royal park,[1] if the Local Government Board,[2] after holding a local inquiry, are satisfied that the acquisition of the land by the local authority for such purposes as aforesaid is desirable in the national interest.

PROCEDURE AND MINOR AMENDMENTS OF HOUSING ACTS.

39.—(1) The amendments specified in the second column of the Second Schedule to this Act (which relate to procedure under Part I. and Part II. of the principal Act and to minor details) shall be made in the provisions of the principal Act the Housing of the Working Classes Act, 1903 [3 Edw. 7. c. 39] and the Housing, Town Planning, &c., Act, 1909, specified in the first column of that schedule.

(2) Sections fourteen and fifteen of the Housing, Town Planning, &c., Act, 1909, shall be deemed to be part of Part II. of the principal Act.

CONSTRUCTION.

40.—This Part of this Act shall be construed as one with the principal Act, and any provisions of this Part of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which provisions superseded or amended are contained, and references in this Part of this Act to the principal Act or to any provision of the principal Act shall be construed as references to that Act or provision as amended by any subsequent enactment, including this Part of this Act;

In this Part of this Act—

The expression "houses for the working classes" has the same meaning as the expression "lodging-houses for the working classes" has in the principal Act;[1]

The expression "sale" includes sale in consideration of an annual rentcharge, and the expression "sell" has a corresponding meaning;

The expression "public utility society" means a society registered under the Industrial and Provident Societies Acts, 1893 to

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NOTES TO SECTION 33.

[1] For the saving of Royal Parks from housing and town-planning schemes, see section 74, Act of 1909.

[2] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

NOTES TO SECTION 40.

[1] "The expression 'lodging houses for the working classes, when used in this part of this Act, shall include separate houses or cottages for the working classes, whether containing one or several tenements, and the purposes of this part of this Act shall include the provision of such houses and cottages" (section 53 (1) of the Act of 1890). "The expression 'cottage' in this Part of this Act may include a garden of not more than one acre" (section 53 (2) of the Act of 1890, as amended by section 50 of the Act of 1909).

1913, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding six per cent. per annum;[2]

The expression "housing trust" means a corporation or body of persons which, by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto;

The expression "building bye-laws" includes bye-laws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any subsequent enactment, with respect to new buildings including the drainage thereof and new streets, and any enactments in any local Acts dealing with the construction and drainage of new buildings and the laying out and construction of new streets and any bye-laws made with respect to such matters under any such local Act.

APPLICATION TO LONDON OF CERTAIN PROVISIONS OF THE HOUSING ACTS.

41.—(1) For the purposes of the application of Part III. of the principal Act to the county of London—

(a) the London County Council shall be the local authority for the county, to the exclusion of any other authority, so far as regards the provision of any houses outside the administrative county of London;[1]

(b) the council of a metropolitan borough shall be the local authority for the metropolitan borough, to the exclusion of any other authority, so far as regards the provision of houses within the metropolitan borough;[2]

Provided—

(i.) that nothing in this section shall prejudice or affect the rights, powers and privileges of the London County Council in regard to any lands, buildings or works acquired, provided or carried out by the County Council before the date of the passing of this Act; and

(ii.) that where the London County Council are satisfied that there is situate within the area of a metropolitan borough land suitable for development for housing, the county council may submit a scheme for the

[2] This definition is taken from section 4 (2) of the Act of 1909 (repealed by the Fifth Schedule to this Act) with the substitution of "six per cent. per annum" for "five pounds per centum per annum."

NOTES TO SECTION 41.

[1] Under section 1 of the Act of 1900 a council, other than a rural district council, may for supplying the needs of their district, establish, or acquire lodging houses for the working classes under Part III. of the Act of 1890 outside their district.

[2] One metropolitan borough may also acquire land in another metropolitan borough under section 41 (1) (a) of this Act, and section 1 of the Act of 1900. The effect of clauses (a) and (b) is that the county council and each metropolitan borough council have concurrent authority for the acquisition of land in another metropolitan borough area.

approval of the Local Government Board for the development of such land to meet the needs of districts situate outside the area of such borough, and the county council may carry into effect any scheme which is so approved, and such approval shall have the like effect as if it had been given under section one of this Act;

(c) the Local Government Board [3] may by order direct that any of the powers or duties of the council of a metropolitan borough under Part III. of the principal Act shall be transferred to the London County Council, or that any of the powers or duties of the London County Council under Part III. of the principal Act shall be transferred to the council of a metropolitan borough.

(2) Any loss which may be incurred by the council of a metropolitan borough in carrying out a scheme to which section seven of this Act applies shall be repaid to them by the London County Council, and any payments so made by the London County Council shall be deemed to have been made as part of the expenses incurred by them in carrying out a scheme to which that section applies.

(3) The London County Council and the Common Council of the City of London may at any time enter into an agreement for carrying out any scheme for the purposes of Part I. or Part III. of the principal Act, and for the apportionment of the expenses incurred in carrying out such scheme, and, if the scheme is a scheme to which section seven of this Act applies, any payments made under such apportionment by the county council and the common council shall be deemed to have been made as part of the expenses incurred in carrying out a scheme to which that section applies.

PART II.

Town Planning.

REMOVAL OF NECESSITY TO OBTAIN PREVIOUS AUTHORISATION OF LOCAL GOVERNMENT BOARD TO PREPARATION OR ADOPTION OF TOWN PLANNING SCHEME.

42. It shall not be necessary for a local authority to obtain the authority of the Local Government Board [1] to prepare or adopt a town planning scheme,[2] and accordingly for sub-section (2) of section fifty-four of the Housing, Town Planning, &c., Act, 1909, (hereinafter referred to as the Act of 1909), the following provision shall be substituted:—

"(2) A local authority within the meaning of this Part of this Act [3] may by resolution decide—

"(a) to prepare a town planning scheme with reference

[3] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

NOTES TO SECTION 42.

[1] For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

[2] For the contents of town-planning schemes see section 55 of the Act of 1909.

[3] A local authority within the meaning of Part II. (Town Planning) of the Act of 1909 is the council of any borough or urban or rural district (section 65 (1) of the Act of 1909.

to any land [4] within or in the neighbourhood of their area in regard to which a scheme may be made under this Act; or

"(b) to adopt, with or without any modifications, any town planning scheme proposed by all or any of the owners of any land with respect to which the local authority are themselves by this Act authorised to prepare a scheme:

"Provided that—

"(i.) if any such resolution of a local authority extends to land not within the area of that local authority, the resolution shall not have effect until it is approved by the Local Government Board,[1] and the Board may, in giving their approval, vary the extent of the land to be included within the area of the proposed town planning scheme; and [5]

"(ii.) where any local authorities are desirous of acting jointly in the preparation or adoption of a town planning scheme, they may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring with or without restrictions on any such committee any powers which the appointing councils might exercise for the purpose, and the provisions of sections fifty-seven and fifty-eight of the Local Government Act, 1894, in regard to joint committees, shall, with the necessary modifications, apply to any joint committee so appointed." [6]

EXTENSION OF POWER TO MAKE REGULATIONS AS TO PROCEDURE.

43.—(1) The power of the Local Government Board of making regulations under section fifty-six of the Act of 1909 shall include power to make regulations as to the procedure consequent on the passing of a resolution by a local authority to prepare or adopt a town planning scheme, and provision shall be made by those regulations for securing that a local authority after passing such a resolution shall proceed with all reasonable speed with the preparation or adoption of the town planning scheme, and shall comply with any regulations as to steps to be taken for that purpose, including provisions enabling the Local Government Board in the case of default or dilatoriness on the part of the local authority to act in the place and at the expense of the local authority.

(2) Sub-section (2) of section fifty six of the Act of 1909 shall have effect as if the following paragraph were added thereto:—

"For securing that the council of the county in which any land proposed to be included in a town planning scheme is situated (1) shall be furnished with a notice of any proposal to prepare or

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[4] Land in respect of which a town-planning scheme may be made is defined in section 54 (1) of the Act of 1919, amended by the Third Schedule to this Act.

[5] As to the responsible authority for enforcing the execution of works under a scheme when the land is in the area of more than one authority or is in the area of an authority other than the authority preparing the scheme, see section 54 (3) of the Act of 1909.

[6] See also section 54 (3) of the Act of 1909.

adopt such a scheme and with a copy of the draft scheme before the scheme is made, and (2) shall be entitled to be heard at any public local inquiry held by the Local Government Board in regard to the scheme."

REPEAL OF PROVISOES TO SS. 54 (4) & 55 (2) OF 9 EDW. 7, C. 44.

44. The proviso to subsection (4) of section fifty-four and the proviso to sub-section (2) of section fifty-five of the Act of 1909 (which provisoes relate to the publication and laying before Parliament of town planning schemes) are hereby repealed.

POWER TO PERMIT DEVELOPMENT OF ESTATES PENDING PREPARATION AND APPROVAL OF TOWN PLANNING SCHEMES.

45. The Local Government Board [1] may by special or general order provide that where a resolution to prepare or adopt a town planning scheme has been passed, or where before the passing of this Act the preparation or adoption of a town planning scheme has been authorised, the development of estates and building operations may be permitted to proceed pending the preparation or adoption and approval of the town planning scheme, subject to such conditions as may be prescribed by the order, and where such permission has been given the provisions of sub-section (2) of section fifty-eight of the Act of 1909 which relates to the rights of compensation shall have effect as if the following proviso were added thereto:

"Provided also that this provision shall not apply as respects any building erected, contract made, or other thing done in accordance with a permission granted in pursuance of an order of the Local Government Board allowing the development of estates and building operations to proceed pending the preparation or adoption and approval of the scheme, and the carrying out of works so permitted shall not prejudice any claim of any person to compensation in respect of property injuriously affected by the making of the scheme."

NOTE TO SECTION 43.

For "Local Government Board" now read "Ministry of Health." See Note 3, section 1.

NOTE TO SECTION 44.

Section 56, Act of 1909, is given *post*. Under the proviso to section 54 (4) of the Act of 1909 the Ministry of Health were required to publish notice in the London or Edinburgh Gazette of their intention to approve a town-planning scheme, and to lay the draft of the order approving the scheme before each House of Parliament for 30 days. If within the 30 days either House presented a petition to the Crown against the draft, or any part thereof, no further proceedings could be taken, without prejudice to the making of any new draft scheme. Under the proviso to section 55 (2) of the Act of 1909, a draft of any scheme which contained provisions suspending any enactment contained in a public general Act was required to be laid before both Houses of Parliament for forty days.

NOTE TO SECTION 45.

[1] For "Local Government Board now read "Ministry of Health." See Note 3 to section 1. Section 58 of the Act of 1909 will be found *post*.

PREPARATION OF TOWN PLANNING SCHEMES.

46.—(1) The council of every borough or other urban district containing on the first day of January nineteen hundred and twenty-three a population according to the last census for the time being of more than twenty thousand shall, within three years after that date, prepare and submit to the Local Government Board a town planning scheme in respect of all land within the borough or urban district in respect of which a town planning scheme may be made under the Act of 1909.

(2) Without prejudice to the powers of the council under the Act of 1909, every scheme to which this section applies shall deal with such matters as may be determined by regulations to be made by the Local Government Board.[1]

(3) Every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and, if an address is presented by either House within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

POWER OF LOCAL GOVERNMENT BOARD TO REQUIRE TOWN PLANNING SCHEME.

47.—(1) Where the Local Government Board[1] are satisfied after holding a public local inquiry that a town planning scheme ought to be made by a local authority as respects any land in regard to which a town planning scheme may be made under the Act of 1909, the Board may by order require the local authority to prepare and submit for their approval such a scheme, and, if the scheme is approved by the Board, to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, and for executing any works which, under the scheme or under Part II. of the Act of 1909, the authority are required to execute.[2]

(2) Any order made by the Local Government Board under this section shall have the same effect as a resolution of the local authority deciding to prepare a town planning scheme in respect of the area in regard to which the order is made.

(3) If the local authority fail to prepare a scheme to the satisfaction of the Board within such time as may be prescribed by the order, or to enforce the observance of the scheme or any provisions thereof effectively, or to execute any such works as aforesaid, the Board may themselves act, or in the case of a borough or other urban district the population of which is less than 20,000, or of a

NOTE TO SECTION 46.

[1] No regulations have at the time of publication of this handbook been determined by the Ministry. For "Local Government Board" now read "Ministry of Health." See Note 3 to section 1.

NOTE TO SECTION 47.

[1] Local Government Board, now Ministry of Health; see Note 3, sect. 1.

[2] Compare section 61 of the Act of 1909. Under that section the Ministry cannot act without representation and must hold a public local inquiry. A town-planning scheme, when approved, has statutory force (section 55 (1) of the Act of 1909).

rural district, may, if the Board think fit, by order, empower the county council to act in the place and at the expense of the local authority.

CONSEQUENTIAL AND MINOR AMENDMENTS.

48. The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the provisions of Part II. of the Act of 1909 mentioned in the first column of that schedule.

PART III.

Acquisition of Small Dwellings.

AMENDMENT OF 62 & 63 VICT. *c.* 44.

49. The following amendments shall be made in the Small Dwellings Acquisition Act, 1899:—

(a) In sub-section (1) of section one "eight hundred pounds" shall be substituted for "four hundred pounds" as the limit on the market value of houses in respect of which advances may be made:

(b) In paragraph (a) sub-section (1) of section one "eighty-five per cent." shall be substituted for "four-fifths" with respect to the limitation on the amount which may be advanced:

(c) Paragraph (b) of sub-section (1) of section one shall be repealed:

(d) A receipt under seal in the form set out in Part I. of the Fourth Schedule to this Act (with such variations and additions (if any) as may be thought expedient) endorsed on, or written at the foot of, or annexed to, a mortgage for money advanced under the Act which states the name of the person who pays the money and is executed by a local authority shall, without any re-conveyance, re-assignment or release, operate as a discharge of the mortgaged property from all principal money and interest secured by, and from all claims under the mortgage, and shall have such further operation as is specified in Part II. of that schedule:

Provided that—

(a) nothing in this provision shall affect the right of any person to require the re-conveyance, re-assignment, surrender, release, or transfer to be executed in lieu of a receipt; and

(b) the receipt shall not be liable to stamp duty and shall be granted free of cost to the person who pays the money.

NOTE TO SECTION 49.

The Small Dwellings Acquisition Act, 1899, allowed a local authority to advance money to a resident in any house within the area to enable him to acquire the ownership of that house. The advance must not exceed four-fifths (now made eighty-five per cent.) of the market value of the ownership; and the advance also must not be made for the acquisition of the ownership of a house where the market value of the house exceeds £400

PART IV.

General.

REPEALS.

50.—The enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

EXTENT.

51.—This Act shall not extend to Scotland or Ireland.

SHORT TITLE.

52.—(1) This Act may be cited as the Housing, Town Planning, &c., Act, 1919.

(2) The Housing of the Working Classes Acts, 1890 to 1909, and this Act so far as it amends those Acts may be cited together as the Housing Acts, 1890 to 1919, and are in this Act referred to as the "Housing Acts."

(3) Part II. of the Housing, Town Planning, &c., Act, 1909, and Part II. of this Act may be cited together as the Town Planning Acts, 1909 and 1919.

(4) The Small Dwellings Acquisition Act, 1899, and Part III. of this Act may be cited together as the Small Dwellings Acquisition Acts, 1899 and 1919.

(now raised to £800). The period for repayment must not exceed 30 years, the interest must not exceed ten shillings the rate at which the local authority can at the time borrow from the Public Works Loan Commissioners the money for the advance, the repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined, and may be made weekly or at such periods not exceeding half-a-year as may be agreed. The proprietor may at any quarter day after a month's notice pay off the advance, or any part in £10 and multiples of £10. Section 1 (1) (b) of the Act, repealed by section 49 (b) of this Act, prohibited an advance exceeding in amount £240,, or £300 in case of a fee simple or leasehold of not less than 99 years unexpired at the date of the purchase.

SCHEDULES.

FIRST SCHEDULE.

Rules for determining the Amount of Reduction of Compensation.

(a) The value of the whole of the land included in the scheme shall first be ascertained on the basis of its value as a cleared site available for development in accordance with the requirements of the building by-laws in force in the district.

(b) The value of the whole of the said land shall next be ascertained on the basis of its value as a cleared site subject to the requirements of the scheme as to the provision to be made for the re-housing of persons of the working classes or the laying-out of open spaces on the land or any part thereof.

(c) The difference between the amounts ascertained under paragraph (a) and paragraph (b) shall then be computed.

(d) The amount by which the compensation payable for the respective interests in the land to which section nine of this Act applies, as ascertained in accordance with the principle laid down in that section, is to be reduced shall be a fraction thereof equal to the amount arrived at under paragraph (c) when divided by the amount arrived at under paragraph (a).

SECOND SCHEDULE.

Amendments as to Procedure under Part I. and Part II. of the principal Act and Minor Amendments of the Housing Acts.

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 and 54 Vict. c. 70): s. 5 (2)	For the words "two or more justices" there shall be substituted the words "any justice," and for the word "twelve" there shall be substituted the word "six."
s. 6 (3)	For the words "the person entitled to the first estate of freehold in any property comprised in the scheme, or with the concurrence of such person" there shall be substituted the words "any person having such interest in any property comprised in the scheme as may be sufficient to enable him to carry out and effect the same."
s. 12 (6)	For the words "the person entitled to the first estate of freehold in any land comprised in an improvement scheme" there shall be substituted the words "any person having such interest in any land comprised in an improvement scheme as may be sufficient to enable him to carry out and effect the same."

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 and 54 Vict. c. 70):	
s. 7	After the words "the local authority shall" there shall be inserted the word "forthwith."
s. 7 (a)	The words "during three consecutive weeks in the month of September or October or November" shall be omitted. Substitute "a" for "some one and the same."
s. 7 (b)	The words "during the month next following the month in which such advertisement is published" shall be omitted. After "occupier" there shall be inserted "(except tenants for a month or a less period than a month)."
s. 8 (5)	For the word "copy" there shall be substituted the word "notice." The words "except tenants for a month or a less period than a month" shall be omitted.
s. 12 (1)	At end there shall be inserted the words "provided that the Local Authority shall not be required to acquire any leasehold interest in any property comprised in a scheme which can be allowed to expire without unduly delaying the execution of the scheme."
s. 14	The whole section shall be omitted.
s. 16 (1)	For the words "twelve or more ratepayers have complained" there shall be substituted the words "complaint has been made," and after the word "district" there shall be inserted the words "by any person or persons competent under the foregoing provisions of this part of this Act to make such complaint," and for the word "ratepayers" there shall be substituted the word "complainant or complainants, as the case may be."
	For the words from "and upon" to "the confirming authority shall" there shall be substituted the words "and the confirming authority may."
s. 31 (1)	For the words "in any district any four or more householders living in or near to any street" there shall be substituted the words "any justice of the peace acting for a district, or any four or more householders in a district," and the words "in or near that street" shall be omitted.
s. 31 (2)	Before the word "householders" there shall be inserted the words "justice of the peace or"
s. 38 (2)	Before the words "any four or more inhabitant householders of" there shall be inserted the words "any justice of the peace acting for a district, or"
s. 45 (1)	After the words "where the medical officer of health" there shall be inserted the words "inspector of nuisances or other officer of the district authority."
s. 57 (3)	The words "if not a rural sanitary authority" and the words "and if a rural sanitary authority with the consent of the county council of the county in which the land is situate" shall be omitted.

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 and 54 Vict. c. 70): s. 81	The word "or" shall be inserted before the words "to make any rate." The words "out of their own number," and the words "or to enter into any contract" shall be omitted. After the words "provided that a committee so appointed shall" there shall be inserted the words "consist as to a majority of its members of members of the appointing local authority, and shall."
First Schedule - -	For the words "The Commissioners of Sewers" there shall be substituted "The Common Council," and for the words "The sewer rate and the consolidated rate levied by such Commissioners, or either of such rates," there shall be substituted the words "The General Rate."
Second Schedule— Paragraph (1) - -	For the words "as soon as practicable after the passing of the confirming Act" there shall be substituted the words "before making an application for the appointment of an arbitrator as hereinafter mentioned." After the word "occupiers" there shall be inserted the words "except tenants for a month or a less period than a month."
Paragraph (4) - -	For the words "has not been" there shall be substituted the words "is not."
Paragraph (6) - -	For the words beginning "and the local authority shall publish" to the end of the paragraph there shall be substituted the words "Before applying to the arbitrator to determine the compensation in respect of any particular lands or interest therein, the local authority shall send a notice by post of their intention to the owners or reputed owners, lessees or reputed lessees, so far as they can be reasonably ascertained."
Paragraph (7) - -	The words from "shall ascertain" to "willing to pay; and" shall be omitted, and for the words "he shall proceed" there shall be substituted the words "shall proceed."
Paragraph (8) - -	The words "by causing such notice to be published or otherwise in such manner as he thinks advisable" and the words "in disputed cases as to the amount of compensation to be paid" shall be omitted.
Paragraph (9) - -	The words "(subject to the provisions concerning an appeal hereinafter contained)" shall be omitted.
Paragraph (10) - -	For the words from "and the local authority shall thereupon" to the end of the paragraph there shall be inserted the words "The title in the case of a person claiming a fee simple interest in any lands included in any such award as aforesaid shall commence twenty years previous to the date of the claim except there has been an absolute conveyance on sale within twenty years and more than ten years previous to the claim when the title shall commence with such conveyance. Provided that the local authority shall not be prevented if they think fit from requiring at their own expense any further abstract or evidence of title respecting any lands included in any such award as aforesaid in addition to the title hereinbefore mentioned."

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 and 54 Vict. c. 70):	
Paragraph (12) - -	The words from "The local authority, or any person interested" to the end of the paragraph shall be omitted.
Paragraph (14) - -	For the words "such statement and abstract as aforesaid" there shall be substituted the words "a statement in writing by any person claiming any right to, or interest in, the lands and an abstract of title on which the same is founded."
Paragraphs (22), (26) and (27).	These paragraphs shall be omitted.
Paragraph (29) (1) (c).	For the words "before the appointment of the arbitrator" there shall be substituted the words "not less than 14 days before the date of the arbitration in that particular case."
Paragraph (30) - -	After the word "documents" there shall be inserted the words "other than any formal offer made by the local authority."
Paragraph (32) - -	Substitute "a" for "someone and the same."
Housing of the Working Classes Act, 1903 (3 Edw. 7, c. 39):	
s. 4 (2)	For the word "twelve" in both places where the word "twelve" occurs there shall be substituted the word "six."
Housing, Town Planning, &c., Act, 1909 (9 Edw. 7, c. 44):	
s. 17 (3)	For the word "order," where it last occurs, shall be substituted the word "notice."
s. 17 (4)	For the words "every occupying tenant" shall be substituted the words "the occupier."
s. 17 (7)	After the words "nearest to the room" insert the words "or more than three feet below the surface of any ground within nine feet of the room."
s. 18 (3)	At the end the following words shall be inserted: "and if and when the necessary works are completed to their satisfaction, the local authority shall determine the closing and demolition orders relating to the "dwelling-house."
s. 18 (4)	For the word "order," where it last occurs, shall be substituted the word "notice": and at the end of the sub-section the following words shall be inserted: "or where the operation of the order has been postponed for any period within fourteen days after the expiration of that period."
s. 39 (1)	At the end of the proviso (b) the following words shall be inserted: "unless the appellant fails to prosecute his appeal with due diligence."
(1) 69 "s	For the words "or information" shall be substituted the words "information or closing order."

THIRD SCHEDULE.

Minor and Consequential Amendments of the Provisions as to Town Planning.

Enactment to be amended.	Nature of Amendment.
Housing, Town Planning, &c., Act, 1909 (9 Edw. 7, c. 44): Section 54 - - -	At the end of sub-section (1) the following proviso shall be inserted:— "Provided that where a piece of land already built upon or a piece of land not likely to be used for building purposes is so situate with respect to any land likely to be used for building purposes that the general object of the scheme would be better secured by its inclusion in any town-planning scheme made with respect to the last-mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect." Sub-section (3) shall be omitted.
Section 56 - -	In sub-section (1) for the words "applications for authority to prepare or adopt a town-planning scheme, the preparation of the scheme" there shall be substituted the words "the preparation or adoption of a town-planning scheme," and after the word "adopted" there shall be inserted the words "the variation or revocation of a scheme," and after the words "the provisions thereof" there shall be inserted the words "or the variation or revocation of the scheme." In paragraph (a) of sub-section (2) for the words "at every stage of the proceedings, by means of conferences and such other means" there shall be substituted the words "by such means."
Section 58 - - -	In sub-section (2) for the words "time at which the application for authority to prepare the scheme was made" there shall be substituted the words "date of the resolution of the local authority to prepare or adopt the scheme or after the date when such resolution takes effect as the case may be" and for the words "the application was made" there shall be substituted the words "such date or other time as aforesaid."
Section 59 - - -	In sub-section (2) the words "with a view to securing the amenity of the area included in the scheme or any part thereof" shall be omitted.
Section 65 - - -	In sub-section (2) after the words "made thereunder" where they secondly occur there shall be inserted the words "including the cost of the preparation or adoption of a scheme."
Fourth Schedule - -	In paragraph (18) the words "by means of conferences, &c." shall be omitted.
Fifth Schedule - -	In paragraph (1) for the words "and for the purpose of an application for authority to prepare or adopt" there shall be substituted the words "the preparation or adoption of," and for the words "Submission of plans and estimates" there shall be substituted the words "Preparation and deposit of plans."

FOURTH SCHEDULE.

PART I.

Form of Endorsed Receipt.

The local authority of hereby acknowledge that they have this day of , 19 , received the sum of £ representing the [aggregate] [balance remaining owing in respect of the] principal money secured by the within [above] written [annexed] mortgage [and by an indenture of further charge dated, &c., or otherwise as required] together with all interest and costs, the payment having been made by of [&c.] and of [&c.] out of money in their hands properly applicable for the discharge of the mortgage [or otherwise as required].

In witness, &c.

PART II.

Effect of Endorsed Receipt.

(1) Any such receipt shall operate—

(a) In the case of land in fee simple comprised in the mortgage, as a conveyance or re-conveyance (as the case may be) of the land to the person (if any) who immediately before the execution of the receipt was entitled in fee simple to the equity of redemption, or otherwise to the mortgagor in fee simple to the uses (if any) upon the trusts subject to the powers and provisions which at that time are subsisting or capable of taking effect with respect to the equity of redemption or to uses (if any) which correspond as nearly as may be with the limitations then affecting the equity of redemption;

(b) In the case of other property, as an assignment or re-assignment (as the case may be) thereof to the extent of the interest which is the subject-matter of the mortgage, to the person who immediately before the execution of the receipt was entitled to the equity of redemption:

Provided that (except as hereinafter mentioned) where, by the receipt, the money appears to have been paid by a person who is not entitled to the immediate equity of redemption, then, unless it is otherwise expressly provided, the receipt shall operate as if the mortgage had been a statutory mortgage and the benefit thereof had, by deed expressed to be made by way of statutory transfer of mortgage, been transferred to him; but this provision shall not apply where the mortgage is paid off out of capital money, or other money in the hands of a personal representative or trustee properly applicable for the discharge of the mortgage, unless it is expressly provided that the receipt is to operate as a transfer.

(2) Nothing in this schedule shall confer on a mortgagor a right to keep alive a mortgage, paid off by him, so as to affect prejudicially any subsequent incumbrancer; and where there is no right to keep the mortgage alive, the receipt shall not operate as a transfer.

(3) In any such receipt the same covenants shall be implied as if the person who executes the receipt had by deed been expressed to convey the property as mortgagee.

(4) Where a mortgage consists of a mortgage and a further charge or of more than one deed, it shall be sufficient if the receipt refers either to all the deeds whereby the mortgage money is secured or to the aggregate amount of the mortgage money thereby secured and is endorsed on, written at the foot of, or annexed to, one of the mortgage deeds.

(5) In this schedule the expressions "mortgage," "mortgage money," "mortgagor" and "mortgagee" have the same meanings as in the Conveyancing Act, 1881 [44 & 45 Vict. c. 41].

FIFTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	Sections fourteen, sixty and sixty-four and sub-section (2) of section fifty-seven.
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	Section five.
3 Edw. 7, c. 39	The Housing of the Working Classes Act, 1903.	Sub-section (1) of section five.
9 Edw. 7, c. 44	The Housing, Town Planning, &c., Act, 1909.	Sub-section (2) of section four, sections six, sixteen, thirty-two and seventy-two and in the First Schedule the paragraph numbered (7).

Housing, Town Planning, Etc., Act, 1909, as Amended.

[9 Edw. 7. c. 44—3rd December, 1909.]

PART I.

Housing of the Working Classes.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

1. Part III. of the Housing of the Working Classes Act, 1890 (in this Part of this Act referred to as the principal Act), shall, after the commencement of this Act, extend to and take effect in every urban or rural district, or other place for which it has not been adopted, as if it had been so adopted.

2.—(1) A local authority may be authorised to purchase land compulsorily for the purposes of Part III. of the principal Act, by means of an order submitted to the Local Government Board and confirmed by the Board in accordance with the First Schedule to this Act.

(2) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the same purpose under section one hundred and seventy-six of the Public Health Act, 1875, as applied by sub-section (1) of section fifty-seven of the principal Act.

(3) A local authority may, with the consent of and subject to any conditions imposed by the Local Government Board, acquire land by agreement for the purposes of Part III. of the principal Act, notwithstanding that the land is not immediately required for those purposes.

3. Where a loan is made by the Public Works Loan Commissioners to a local authority for any purposes of the Housing Acts—

(a) The loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

(b) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loan Commissioners may exceed the period allowed under the principal Act or under any other Act limiting period for which the loan may be made, but the period shall not exceed the period recommended by the Local Government Board, nor in any case eighty years; and

(c) As between loans for different periods, the longer duration of

the loan shall not be taken as a reason for fixing a higher rate of interest.

[**Note.**—As to "assisted schemes" under the Act of 1919, see section 7 (2) of that Act. As to borrowing for Part I. schemes, see section 25 (5), Act of 1890; for Part II. schemes, section 43, *ibid*; and Part III. schemes, section 66, *ibid*; and, generally, sections 1 and 15, Act of 1903.]

4.—(1) Where a loan is made by the Public Works Loan Commissioners under section sixty-seven, sub-section (2) (d), of the principal Act, to a public utility society, the words "two thirds" shall be substituted for the words "one moiety."

(2) [Repealed by Fifth Schedule, Act of 1919. For definition of public utility society now see section 40, Act of 1919.]

5.—(1) Any purchase money or compensation payable in pursuance of the Housing Acts by a local authority in respect of any lands, estate, or interest of another local authority which would but for this section be paid into court in manner provided by the Lands Clauses Acts or by paragraph (20) of the Second Schedule to the principal Act may, if the Local Government Board consent, instead of being paid into court, be paid and applied as the Board determine.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

6. [Repealed by Sixth Schedule, Act of 1919. See now section 15 of that Act.]

7.—(1) The following paragraph shall be substituted for paragraph (b) of sub-section (1) of section seventy-four of the principal Act:—

(b) The improvements on which capital money arising under the Settled Land Act, 1882, may be expended, enumerated in section twenty-five of the said Act and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artisans, whether employed on the settled land or not, include the provision of dwellings available for the working classes, either by means of building new buildings or by means of the reconstruction, enlargement, or improvement of existing buildings, so as to make them available for the purpose, if that provision of dwellings is, in the opinion of the court, not injurious to the estate or is agreed to by the tenant for life and the trustees of the settlement.

(2) The provision by a tenant for life, at his own expense, of dwellings available for the working classes on any settled land shall not be deemed to be an injury to any interest in reversion or remainder in that land; provided that the powers conferred upon a tenant for life by this sub-section shall not be exercised by him without the previous approval in writing of the trustees of the settlement.

[**Note.**—See further section 31, Act of 1919.]

8. A local authority may accept a donation of land or money or other property for any of the purposes of the Housing Acts, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

9.—(1) If in any case it appears to the Local Government Board that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of dwellings available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Board may certify the case to the Attorney-General, and the Attorney-General, if he thinks fit, shall institute any legal proceedings or intervene in any legal proceedings already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of dwellings available for the working classes, the court or body who are responsible for making the scheme shall communicate with the Local Government Board and receive and consider any recommendations made by the Board with reference to the proposed scheme.

Powers of enforcing Execution of Housing Acts.

10.—(1) Where a complaint is made to the Local Government Board—

(a) as respects any rural district by the council of the county in which the district is situate, or by the parish council or parish meeting of any parish comprised in the district; or by any four inhabitant householders of the district; or

(b) as respects any county district, not being a rural district, by the council of the county in which the district is situated, or by four inhabitant householders of the district; or

(c) as respects the area of any other local authority by four inhabitant householders of the area;

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, the Board may cause a public local inquiry to be held, and if, after holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority, the Board may declare the authority to be in default, and may make an order directing that authority, within a time limited by the order, to carry out such works and do such other things as may be mentioned in the order for the purpose of remedying the default.

(2) Before deciding that a local authority have failed to exercise their powers under Part III. of the principal Act, the Board shall take into consideration the necessity for further accommodation for the housing of the working classes in such district, the probability that the required accommodation will not be otherwise provided, and the other circumstances of the case, and whether, having regard to the liability which will be incurred by the rates, it is prudent for the local authority to undertake the provision of such accommodation.

[**Note.**—Now, however, see section 5, Act of 1919.]

(3) Where an order originally made under this section on the council of a county district is not complied with by that council, the Local Government Board may, if they think fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make an order directing the county

council to carry out any works or do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

Note.—In case of default under the Act of 1919, the Ministry of Health can require the county council to act in place of any local authority—see section 3, Act of 1919.]

(4) Where the Board make an order under this section directing a county council to carry out any works or do any other thing, the order may, for the purpose of enabling the county council to give effect to the order, apply any of the provisions of the Housing Acts or of section sixty-three of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

(5) An order made by the Local Government Board under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

(6) Any order made by the Local Government Board under this section may be enforced by mandamus.

11.—(1) Where it appears to the Local Government Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to give effect to any order as respects an obstructive building, or to a reconstruction scheme, under Part II. of that Act, or have failed to cause to be made the inspection of their district required by this Act, the Board may make an order requiring the local authority to remedy the default and to carry out any works or do any other things which are necessary for the purpose under the Housing Acts within a time fixed by the order.

(2) Any order made by the Local Government Board under this section may be enforced by mandamus.

12. Where a complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any four inhabitant householders of that district, the county council may cause a public local inquiry to be held, and if, after holding such an inquiry, the county council are satisfied that the rural district council have failed to exercise their powers under Part III. of the principal Act in cases where those powers ought to have been exercised, the county council may resolve that the powers of the district council for the purposes of that Part be transferred to the county council with respect either to the whole district or to any parish in the district, and those powers shall be transferred accordingly, and, subject to the provisions of this Act, section sixty-three of the Local Government Act, 1894, shall apply as if the powers had been transferred under that Act.

13.—(1) Where the council of a county are of opinion that for any reason it is expedient that the council should exercise, as respects any rural district in the county, any of the powers of a local authority under Part III. of the principal Act, the council, after giving notice to the council of the district of their intention to do so, may apply to the Local Government Board for an order conferring such powers on them.

(2) Upon such an application being made, the Board may make an order conferring on the county council as respects the rural district all or any of the powers of a local authority under Part III. of the principal Act, and thereupon the provisions of the Housing Acts relating to those powers (including those enabling the Public Works Loan Commissioners to lend, and fixing the terms for which money may be lent and borrowed) shall apply as if the council were a local authority under Part III. of the principal Act: Provided that the expenses incurred by the county council under any such order shall be defrayed as expenses for general county purposes.

(3) Where, under any such order, the county council have executed any works in a rural district they may transfer the works to the council of that district on such terms and subject to such conditions as may be agreed between them.

Contracts by Landlord.

14. In any contract made after the passing of this Act for letting for habitation a house or part of a house at a rent not exceeding—

(a) in the case of a house situate in the administrative county of London, forty pounds;

(b) in the case of a house situate in a borough or urban district with a population according to the last census for the time being of fifty thousand or upwards, twenty-six pounds;

(c) in the case of a house situate elsewhere, sixteen pounds;

there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation, but the condition aforesaid shall not be implied when a house or part of a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for occupation, and the lease is not determinable at the option of either party before the expiration of that term.

[**Note.**—See the provision in section 75 of the Act of 1890, and see section 12, Act of 1903. Section 14 of this Act is to be deemed part of Part II. of the Act of 1890—see section 39 (2), Act of 1919.]

15.—(1) The last foregoing section shall, as respects contracts to which that section applies, take effect as if the condition implied by that section included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation.

(2) The landlord or the local authority, or any person authorised by him or them in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any house, premises, or building to which this section applies for the purpose of viewing the state and condition thereof.

(3) If it appears to the local authority within the meaning of Part II. of the principal Act that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the authority shall, if a closing order is not made with respect to the house, by written notice require the landlord, within a reasonable time, not being less than twenty-one days, specified in the notice as being necessary to make the house in all respects reasonably fit for human habitation.

(4) Within twenty-one days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation, and thereupon a closing order shall be deemed to have become operative in respect of such house.

(5) If the notice given by the local authority is not complied with, and if the landlord has not given the notice mentioned in the immediately preceding sub-section, the authority may, at the expiration of the time specified in the notice given by them to the landlord, do the work required to be done and recover the expenses incurred by them in so doing from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts, or, if they think fit, the authority may by order declare any such expenses to be payable by annual instalments within a period not exceeding that of the interest of the landlord in the house, nor in any case five years, with interest at a rate not exceeding five pounds per cent. per annum, until the whole amount is paid, and any such instalments or interest or any part thereof may be recovered from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) A landlord may appeal to the Local Government Board against any notice requiring him to execute works under this section, and against any demand for the recovery of expenses from him under this section or order made with respect to those expenses under this section by the authority, by giving notice of appeal to the Board within twenty-one days after the notice is received, or the demand or order is made, as the case may be, and no proceedings shall be taken in respect of such notice requiring works, order, or demand, whilst the appeal is pending.

(7) In this section the expression "landlord" means any person who lets to a tenant for habitation the house under any contract referred to in this section, and includes his successors in title; and the expression "house" includes part of a house.

(8) Sections forty-nine and fifty of the principal Act as amended by section thirteen of the Housing of the Working Classes Act, 1903 [3 Edw. 7. c. 39] (which relate to the service of notices and the description of owner in proceedings), shall apply for the purposes of this section, with the substitution, where required, of the landlord for the owner of a dwelling-house.

(9) Any remedy given by this section for non-compliance with the undertaking implied by virtue of this section shall be in addition to and not in derogation of any other remedy available to the tenant against the landlord, either at common law or otherwise.

[**Note.**—See now also section 28 of the Act of 1919. Section 15 of this Act is to be deemed part of Part II. of the Act of 1890—see section 39 (2), Act of 1919.]

16 [Repealed by Fifth Schedule of Act of 1919. See now section 25 of that Act.]

Amendment of Procedure for Closing Orders and Demolition Orders.

17.—(1) It shall be the duty of every local authority within the meaning of Part II. of the principal Act to cause to be made from

time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority, and of every officer of the local authority, to comply with such regulations and to keep such records as may be prescribed by the Board.

[**Note.**—Regulations as to the inspection of districts have been issued. (1910—No. 919.).]

(2) If, on the representation of the medical officer of health, or of any other officer of the authority, or other information given, any dwelling-house appears to them to be in such a state, it shall be their duty to make an order prohibiting the use of the dwelling-house for human habitation (in this Act referred to as a closing order) until in the judgment of the local authority the dwelling-house is rendered fit for that purpose.

(3) [As amended by Second Schedule, Act of 1919.] Notice of a closing order shall be forthwith served on every owner of the dwelling-house in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board by giving notice of appeal to the Board within fourteen days after the notice is served upon him.

[**Note.**—A person aggrieved who is not given right to appeal by this clause to the Ministry of Health may appeal to Quarter Sessions under section 35, Act of 1890.]

(4) [As amended by Second Schedule, Act of 1919.] Where a closing order has become operative, the local authority shall serve notice of the order on [**the occupier**] of the dwelling-house in respect of which the order is made, and, within such period as is specified in the notice, not being less than fourteen days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on summary conviction to be ordered to quit the dwelling-house within such time as may be specified in the order.

[**Note.**—For penalty on owner for re-letting, see section 32, Act of 1919.]

(5) Unless the dwelling-house has been made unfit for habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is responsible, the local authority may make to every such tenant such reasonable allowance on account of his expense in removing as may be determined by the local authority with the consent of the owner of the dwelling-house, or, if the owner of the dwelling-house fails to consent to the sum determined by the local authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

[**Note.**—For expenses to tenant if the building is purchased in pursuance of a housing scheme and not closed by closing order, see section 78, Act of 1890.]

(6) The local authority shall determine any closing order made by them if they are satisfied that the dwelling-house, in respect of which the order has been made, has been rendered fit for human habitation.

If, on the application of any owner of a dwelling-house, the local authority refuse to determine a closing order, the owner may appeal to the Local Government Board by giving notice of appeal to the Board within fourteen days after the application is refused.

[See Note to clause 3.]

(7) [As amended by Second Schedule, Act of 1919.] A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, [**or more than three feet below the surface of any ground within nine feet of the room**] shall for the purposes of this section be deemed to be a dwelling-house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

(a) is not on an average at least seven feet in height from floor to ceiling; or

(b) does not comply with such regulations as the local authority with the consent of the Local Government Board may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation: Provided that if the local authority, after being required to do so by the Local Government Board, fail to make such regulations, or such regulations as the Board approve, the Board may themselves make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Board:

Provided that a closing order made in respect of a room to which this sub-section applies shall not prevent the room being used for purposes other than those of a sleeping place; and that, if the occupier of the room after notice of an order has been served upon him fails to comply with the order, an order to comply therewith may, on summary conviction, be made against him.

This sub-section shall not come into operation until the first day of July nineteen hundred and ten, and a closing order made in respect of any room to which this sub-section applies shall not be treated as a closing order in respect of a dwelling-house for the purposes of the next succeeding section.

18.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the dwelling-house, and shall give every owner of the dwelling-house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the dwelling-house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building, being or being part of the dwelling-house, is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, they shall order the demolition of the building.

(3) [As amended by the Second Schedule, Act of 1919.] If any owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time, not exceeding six months, as they may think sufficient for the purpose of giving the owner an opportunity of executing the necesary works, **[and if and when the necessary works are completed to their satisfaction, the local authority shall determine the closing and demolition order relating to the dwelling-house]**.

(4) [As amended by Second Schedule, Act of 1919.) Notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after the [**notice**] is **served upon him, [or where the operation of the order has been postponed for any period within fourteen days after the expiration of that period]**.

[**Note.**—See Note to section 17 (3).]

19. Any owner of or other person interested in a dwelling-house on which an annuity has been charged by a charging order made under section thirty-six of the principal Act (which relates to the grant of charges) shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Local Government Board.

20. The charges excepted in sub-section (1) of section thirty-seven of the principal Act (which relates to the incidence of charges) shall include charges on the dwelling-house created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority.

21. Sub-section (3) of section forty-seven of the principal Act (which gives power to a court of summary jurisdiction to enlarge the time for certain matters) shall cease to have effect as respects the time allowed for the execution of any works or the demolition of a building under a closing order or under an order for the demolition of a building.

Amendments with respect to Improvement and Reconstruction Schemes.

22. In section four of the principal Act (which relates to an official representation), the words "that the most satisfactory method of dealing with the evils connected with such houses, courts, or alleys, and the sanitary defects in such area is an improvement scheme" shall be substituted for the words "that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area cannot be effectually remedied otherwise than by means of an improvement scheme."

23.—(1) Section six of the principal Act (which relates to the contents of an improvement scheme)) shall be read as if in sub-

section (1) the words "for sanitary purposes" were omitted in paragraph (a); and as if the following paragraph was inserted at the end of that sub-section:—

"and

(e) may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme."

(2) Provision may be made in a reconstruction scheme under Part II. of the principal Act for any matters for which provision may be made in an improvement scheme made under Part I. of that Act.

24.—(1) Paragraphs (a) and (b) of sub-section (2) of section five of the Housing of the Working Classes Act, 1903 (which limit the cases under which an order confirming an improvement scheme takes effect without confirmation by Parliament), shall cease to have effect.

(2) An order of the Local Government Board sanctioning a reconstruction scheme, and authorising the compulsory purchase of land for the purpose shall, notwithstanding anything in section thirty-nine of the principal Act, take effect without confirmation.

25. The Local Government Board may, in the exercise of their power under section fifteen or sub-section (9) of section thirty-nine of the principal Act, permit the local authority to modify their scheme, not only by the abandonment of any part of the scheme which it may appear inexpedient to carry into execution, but also by amending or adding to the scheme in matters of detail in such manner as appears expedient to the Board.

26. Any inspector or officer of the Local Government Board, or any person employed by the Board, may be directed to make any inspection or inquiry which is required for the purposes of section sixteen of the principal Act (which relates to inquiries made on the default of a medical Officer), and section eighty-five of that Act (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply as respects any inspection or inquiry so held as it applies to local inquiries held under that section.

27. An improvement scheme under Part I. of the principal Act may, with the consent of the person or body of persons entitled to any right or easement which would be extinguished by virtue of section twenty-two of the principal Act, provide for any exceptions, restrictions, or modifications in the application to that right or easement of that section, and that section shall take effect subject to any such exceptions, restrictions, or modifications.

28.—(1) The amount of any compensation payable under section thirty-eight of the principal Act (which relates to obstructive buildings) shall, when settled by arbitration in manner provided by that section, be apportioned by the arbitrator between any persons having an interest in the compensation in such manner as the arbitrator determines.

(2) The power of the arbitrator to apportion compensation under the foregoing provision and to apportion any part of the compensation to be paid for the demolition of an obstructive building amongst other buildings under sub-section (8) of the said section thirty-eight

may be exercised in cases where the amount to be paid for compensation has been settled, otherwise than by arbitration under the principal Act, by an arbitrator appointed for the special purpose, on the application of the local authority, by the Local Government Board, and the provisions of that Act shall apply as if the arbitrator so appointed had been appointed as arbitrator to settle the amount to be paid for compensation.

29. For removing doubts it is hereby declared that a local authority may tender evidence before an arbitrator to prove the facts under the headings (first) (secondly) (thirdly) mentioned in sub-section (2) of section twenty-one and sub-section (3) of section forty-one of the principal Act, notwithstanding that the local authority have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

Amendments with respect to Financial Matters.

30. No deficiency in the Dwelling-house Improvement Fund shall be supplied under sub-section (2) of section twenty-four of the principal Act out of borrowed money unless the deficiency arises in respect of money required for purposes to which borrowed money is, in the opinion of the Local Government Board, properly applicable.

31.—(1) The expenses incurred by a rural district council after the passing of this Act in the execution of Part III. of the principal Act shall be defrayed as general expenses of the council in the execution of the Public Health Acts, except so far as the Local Government Board on the application of the council declare that any such expenses are to be levied as special expenses charged on specified contributory places, in the district, or as general expenses charged on specified contributory places in the district, in such proportions as the district council may determine, to the exclusion of other parts of the district, and a rural district council may borrow for the purposes of Part III. of the principal Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

(2) The district council shall give notice to the overseers of any contributory place proposed to be charged of any apportionment made by them under this section, and the overseers, if aggrieved by the apportionment, may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after notice has been so given of the apportionment.

[**Note.**—Section 31 takes the place of the portion of section 65 of the Act of 1890, repealed by the Sixth Schedule to this Act.]

32. [Repealed by Fifth Schedule, Act of 1919].

33. Any payment or contribution agreed or ordered to be made under sub-section (6) or (7) of section forty-six of the principal Act, as amended by section fourteen of the Housing of the Working Classes Act, 1903 (which relate to payments or contributions by borough councils towards the expenses of the county council or by the county council towards the expenses of borough councils in London), may be made either by means of the payment of a lump sum or by means of an annual payment of such amount and for such number of years as may be agreed upon or ordered.

34. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to Land Tax and poor rate), shall not apply in the case of any lands of which a local authority becomes possessed by virtue of the Housing Acts.

35.—(1) The assessment to Inhabited House Duty of any house occupied for the sole purpose of letting lodgings to persons of the working classes, at a charge of not exceeding sixpence a night for each person, shall be discharged by the Commissioners acting in the execution of the Acts relating to the Inhabited House Duties, upon the production of a certificate to the effect that the house is solely constructed and used to afford suitable accommodation for the lodgers, and that due provision is made for their sanitary requirements.

(2) The provisions of sub-section (2) of section twenty-six of the Customs and Inland Revenue Act, 1890, in relation to the certificate mentioned therein, shall, so far as applicable, apply to the certificate to be produced under this section.

General Amendments.

36. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Local Government Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

(a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under the Housing Acts; and

(b) for the purpose of survey and examination, in the case of any dwelling-house in respect of which a closing order or an order for demolition has been made; or

(c) for the purpose of survey and examination, where it appears to the authority or Board that survey or examination is necessary in order to determine whether any powers under the Housing Acts should be exercised in respect of any house, premises or building.

Notice may be given to the occupier for the purposes of this section by leaving a notice addressed to the occupier, without name or further description, at the house, buildings, or premises.

37. If it appears to the Local Government Board that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under the Housing Acts should be put into force in that area or not, the Local Government Board may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they direct, and the local authority shall comply with the requirement of the Local Government Board, and any expenses incurred by them in so doing shall be paid as expenses incurred in the erection of such Part of the principal Act as the Local Government Board determine.

38. Where, upon an application made by one of the local authorities concerned, the Local Government Board are satisfied that

it is expedient that any local authorities should act jointly for any purposes of the Housing Acts, either generally or in any special case, the Board may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a provisional order made under section two hundred and seventy-nine of the Public Health Act, 1875, for the formation of a united district.

39.—(1) The procedure on any appeal under this Part of this Act, including costs, to the Local Government Board shall be such as the Board may by rules determine, and on any such appeal the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and, where the appeal is against any notice, order, or apportionment given or made by the local authority, the notice, order, or apportionment may be confirmed, varied or quashed, as the Board think just.

Provided that—

(a) the Local Government Board may at any stage of the proceedings on appeal, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the court any question of law arising in the course of the appeal; and

(b) [As amended by Second Schedule, Act of 1919] the rules shall provide that the Local Government Board shall not dismiss any appeal without having first held a public local inquiry, **[unless the applicant fails to prosecute his appeal with due diligence]**.

[Note.—Rules will be found in the Appendix.]

(2) Any notice, order, or apportionment as respects which an appeal to the Local Government Board is given under this Part of this Act shall not become operative, until either the time within which an appeal can be made under this Part of this Act has elapsed without an appeal being made, or, in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

(3) The Local Government Board may, before considering any appeal which may be made to them under this Part of this Act, require the appellant to deposit such sum to cover the costs of the appeal as may be fixed by the rules made by them with reference to appeals.

40. Notwithstanding anything contained in the principal Act it shall not be obligatory upon a local authority to sell and dispose of any lands or dwellings acquired or constructed by them for any of the purposes of the Housing Acts.

[Note.—See section 38 (11), Act of 1890.]

41.—(1) The Local Government Board may by order prescribe the form of any notice, advertisement, or other document, to be used in connection with the powers and duties of a local authority or of the Board under the Housing Acts, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

[Note.—Forms were prescribed by Order, 1910—No. 1189.]

(2) The Local Government Board may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under the Housing Acts, if they are satisfied that there is reasonable cause for dispensing with the publication or service.

(3) Any such dispensation may be given by the Local Government Board either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Board think fit, due care being taken by the Board to prevent the interests of any person being prejudiced by the dispensation.

42. Where under the Housing Acts, any scheme or order or any draft scheme or order is to be published in the London Gazette, or notice of any such scheme or order or draft scheme or order is to be given in the London Gazette, it shall be sufficient in lieu of such publication or notice to insert a notice giving short particulars of the scheme, order, or draft, and stating where copies thereof can be inspected or obtained in two local newspapers circulating in the area affected by the scheme, order, or draft, or to give notice thereof in such other manner as the Local Government Board determine.

43. Notwithstanding anything in any local Act or bye-law in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house commenced to be erected after the passing of this Act shall be deemed to be unfit for human habitation for the purposes of the provisions of the Housing Acts.

Provided that nothing in this section—

(a) shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back, if the medical officer of health for the district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement; or

(b) shall apply to houses abutting on any streets the plans whereof have been approved by the local authority before the first day of May nineteen hundred and nine, in any borough or district in which, at the passing of this Act, any local Act or bye-laws are in force permitting the erection of back-to-back houses.

44. If the Local Government Board are satisfied, by local inquiry or otherwise, that the erection of dwellings for the working classes within any borough, or urban or rural district, is unreasonably impeded in consequence of any bye-laws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such bye-laws or to make such new bye-laws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such bye-laws, and make such new bye-laws as they may consider necessary for the removal of the impediment, and such new bye-laws shall have effect as if they had been duly made by the local authority and confirmed by the Board.

45. Nothing in the Housing Acts shall authorise the acquisition for the purposes of those Acts of any land which is the site of an ancient monument or other object of archæological interest, or the compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890, of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house.

[**Note.**—For further saving of erections of architectural, historic or artistic interest, see section 1 (3), proviso, Act of 1919.]

46. The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the Housing Acts specified in the first column of that Schedule, and section sixty-three of the principal Act (which relates to the disqualification of tenants of lodging-houses on receiving poor relief) shall be repealed.

Definitions.

47.—(1) Any provisions of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained.

(2) Any reference in the Housing Acts to a closing order or to an order for the demolition of a building shall be construed as a reference to a closing order or an order of demolition under this Act.

48. The expression "street" shall, unless the context otherwise requires, have the same meaning in Part I. of the principal Act as it has in Part II. of that Act, and shall include any court, alley, street, square or row of houses.

[Note.—Street is defined in section 29 of the Act of 1890.]

49.—(1) The words "means any inhabited building and" shall be omitted from the definition of "dwelling-house" in section twenty-nine of the principal Act.

(2) For the definition of owner in the same section the following definition shall be substituted:—

"The expression 'owner,' in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or entitled to the rents and profits of such premises under a lease the original term whereof is less than twenty-one years."

50. For the definition of cottage in section fifty-three of the principal Act the following definition shall be substituted:—

The expression "cottage" in this Part of this Act may include a garden of not more than one acre.

51. In this Part of this Act the expression "Housing Acts" means the principal Act, and any Act amending that Act, including this Act.

52 and **53.** Application to Scotland.

PART II.

Town Planning.

54.—(1) [As amended by Third Schedule, Act of 1919]. A town planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying-out and use of the land, and of any neighbouring lands. [**Provided that where a piece of land already built upon or a piece of land not likely to be used for building purposes is so situate with respect to any land likely to be used for building purposes that the general object of the scheme would be better secured by its inclusion in any town planning scheme made with respect to the last mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect**].

(2) [Repealed by section 42, Act of 1919].

(3) [Repealed by Third Schedule, Act of 1919].

(4) A town planning scheme prepared or adopted by a local authority shall not have effect, unless it is approved by order of the Local Government Board, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they may think fit to impose. [Remainder of clause repealed by section 44, Act of 1919].

(5) A town planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.

(6) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government Board, on the application of the responsible authority, or of any other person appearing to them to be interested may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

(7) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.

[**Note.**—Town-planning schemes are now obligatory under sections 46 and 47 of the Act of 1919. See also section 61 of this Act.].

55.—(1) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act and the general provisions, or set of general provisions appropriate to the area for which town planning scheme is made. shall take effect as part of every scheme, except so far as provision is made by the scheme as

approved by the Board for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme defining in such manner as may be prescribed by regulations under this Part of this Act the area to which the scheme is to apply, and the authority who are to be responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority (in this Part of this Act referred to as the responsible authority), and providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, bye-laws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme: [Remainder of clause repealed by section 44, Act of 1919].

(3) Where land included in a town planning scheme is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purposes by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties:

Provided that, except with the consent of the London County Council, no other local authority shall, as respects any land in the county of London, prepare or be responsible for enforcing the observance of a town planning scheme under this Part of this Act, or for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority.

56.—(1) [As amended by Third Schedule, Act of 1919]. The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to [**the preparation or adoption of a town planning scheme**], the preparation of the scheme, obtaining the approval of the Board to a scheme so prepared or adopted, [**the variation or revocation of a scheme**], and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof, [**or the variation or revocation of the scheme**].

(2) Provision shall be made by those regulations—

(a) [As amended by Third Schedule, Act of 1919] for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme [**by such means as may be provided by the regulations**];

(b) for securing that notice of the proposal to prepare or adopt the

scheme should be given at the earliest stage possible to any council interested in the land; and

(c) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

[**Note.**—The power to make regulations is extended by section 43 of the Act of 1919 to provisions to secure reasonable speed and to enable the Ministry of Health to act in case of default or dilatoriness in the place of and at the expense of the local authority.]

57.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme—

(a) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Local Government Board, and shall, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board shall be final and conclusive and binding on all persons.

58.—(1) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) [As amended by Third Schedule, Act of 1919]. A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made, or other thing done with respect to, land included in a scheme, after the [**date of the resolution of the local authority to prepare or adopt the scheme or after the date when such resolution takes effect as the case may be**], or after such other time as the Local Government Board may fix for the purpose:

Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before [**such time or date as aforesaid**].

[**Note.**—For further proviso, see section 45, Act of 1919.]

(3) Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they

make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Local Government Board), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by the arbitration of a single arbitrator appointed by the Local Government Board, unless the parties agree on some other method of determination.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town planning scheme is revoked by an order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

59.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are such as would have been enforceable if they had been contained in bye-laws made by the local authority.

(2) [As amended by Third Schedule, Act of 1919]. Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

60.—(1) The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a local authority may purchase or be authorised to purchase land situate in an urban district for the

purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by sections two and forty-five of this Act.

(2) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

61.—(1) If the Local Government Board are satisfied on any representation, after holding a public local inquiry, that a local authority—

(a) have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made; or

(b) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted; or

(c) have unreasonably refused to consent to any modifications or conditions imposed by the Board;

the Board may, as the case requires, order the local authority to prepare and submit for the approval of the Board such a town planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so inserted:

Provided that, where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Board may think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Board.

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works which under the scheme or this Part of this Act the authority is required to execute, the Board may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Part of this Act the authority is required to execute.

(3) Any order under this section may be enforced by mandamus.

[**Note.**—Under section 47 of the Act of 1919 the Ministry of Health have now power to require a town-planning scheme without the requirement of a preliminary representation and a local inquiry.]

62. Where the Local Government Board are authorised by this Part of this Act or any scheme made thereunder to determine any matter, it shall, except as otherwise expressly provided by this Part of this Act, be at their option to determine the matter as arbitrators or otherwise, and, if they elect or are required to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid.

63. Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

64. All general provisions made under this part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893 [56 & 57 Vict. c. 66], shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

65.—(1) For the purposes of this Part of this Act the expression "local authority" means the council of any borough or urban or rural district.

(2) [As amended by Third Schedule, Act of 1919]. Any expenses incurred by a local authority under this Part of this Act, or any scheme made thereunder, [**including the cost of the preparation or adoption of a scheme**] shall be defrayed as expenses of the authority under the Public Health Acts, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under sub-sections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

66.—(1) This Part of this Act shall apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

67. [Application to Scotland.]

PART III.

County Medical Officers, County Public Health and Housing Committee, &c.

68.—(1) Every county council shall appoint a medical officer of health under section seventeen of the Local Government Act, 1888.

(2) The duties of a medical officer of health of a county shall be such duties as may be prescribed by general order of the Local Government Board and such other duties as may be assigned to him by the county council.

(3) The power of county councils and district councils under the said section to make arrangements with respect to medical officers of health shall cease, without prejudice to any arrangement made previously to the date of the passing of this Act.

(4) The medical officer of health of a county shall, for the pur-

poses of his duties, have the same powers of entry on premises as are conferred on a medical officer of health of a district by or under any enactment.

(5) A medical officer of health of a county shall be removable by the county council with the consent of the Local Government Board and not otherwise.

(6) A medical officer of health of a county shall not be appointed for a limited period only:

Provided that the county council may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of the medical officer of health of the county, and any person appointed by virtue of any such arrangement to perform those duties or any of them shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of the medical officer of health of the county.

(7) A medical officer of health appointed after the passing of this Act under the said section as amended by this section shall not engage in private practice, and shall not hold any other public appointment without the express written consent of the Local Government Board.

(8) An order under this section prescribing the duties of medical officers of health of a county shall be communicated to the county council and shall be laid before Parliament as soon as may be after it is made, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after the order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order and it shall thenceforward be void, but without prejudice to the validity of anything previously done thereunder.

[**Note.**—Under section 6 of the Act of 1919 the Ministry of Health, on representation that in a county district the local authority have failed in their duty under Parts I. and II. of the Act of 1890, the Board may direct the county council to instruct the medical officer of health of the county to inspect such district and to make a report to the Board as to the exercise of their powers by the local authority.]

69.—(1) [As amended by Second Schedule, Act of 1919]. The clerk of a rural district council shall forward to the medical officer of health of the county a copy of any representation, complaint, information, [**or closing order**], a copy of which it is the duty of the district council to forward to the county council under section forty-five of the Housing of the Working Classes Act, 1890 (which relates to the powers of county councils).

(2) The medical officer of health of a district shall give to the medical officer of health of the county any information which it is in his power to give, and which the medical officer of health of the county may reasonably require from him for the purpose of his duties prescribed by the Local Government Board.

(3) If any dispute or difference shall arise between the clerk or the medical officer of health of a district council and the medical officer of health of a county council under this section, the same shall be referred to the Local Government Board, whose decision shall be final and binding.

(4) If the clerk or medical officer of health of a district council fails to comply with the provisions of this section, he shall on information being laid by the county council, but not otherwise, be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds.

70. The foregoing provisions of this Part of this Act shall not apply to Scotland, or, except sub-section (4) of section sixty-eight, to the administrative county of London, and, in the application of the said sub-section to London, the reference to a medical officer of health of a district shall be construed as a reference to the medical officer of health of a metropolitan borough.

71.—(1) Every county council shall establish a public health and housing committee, and all matters relating to the exercise and performance by the council of their powers and duties as respects public health and the housing of the working classes (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the public health and housing committee with respect to the matter in question, and the council may also delegate to the public health and housing committee, with or without restrictions or conditions as they think fit, any of their powers as respects public health and the housing of the working classes, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

(2) This section shall not apply to Scotland or the London County Council.

72. [Repealed by Fifth Schedule, Act of 1919.]

PART IV.

Supplemental.

73.—(1) Where any scheme or order under the Housing Acts or Part II. of this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Local Government Board after consultation with the Board of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange, the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the

common, open space, or allotment acquired or appropriated from all right, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

74.—(1) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Local Government Board shall, before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Local Government Board after consultation with the Commissioners of Works.

75. The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

76.—(1) This Act may be cited as the Housing, Town Planning, &c., Act, 1909, and Part I. of this Act shall be construed as one with the Housing of the Working Classes Acts, 1890 to 1903, and that Part of this Act and those Acts may be cited together as the Housing of the Working Classes Acts, 1890 to 1909.

(2) This Act shall not extend to Ireland.

SCHEDULES.

FIRST SCHEDULE.

Provisions as to the Compulsory Acquisition of Land by a Local Authority for the purposes of Part III. of the Housing of the Working Classes Act, 1890.

(1) Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by this schedule, become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(3) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase being compulsory.

(4) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except sections one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) [8 & 9 Vict. c. 18] and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 20], but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

(5) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed.

(6) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

(7) [Repealed by Fifth Schedule, Act of 1919.]

(8) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry

or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorised to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear council or expert witnesses.

(9) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily.

(10) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(11) In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act, together with the order, shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

(12) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(13) In this schedule the expression "Board" means the Local Government Board, and the expression "prescribed" means prescribed by the Board.

(14) [Application to Scotland.]

[**Note.**—See the Housing Acts (Compulsory Purchase) Regulations, 1919, given in the Appendix. The arbitration is now governed by the Acquisition of Land (Assessment of Compensation) Act, 1919, save that the rules for the assessment of compensation do not apply to Parts I. and II. schemes. See section 9, Act of 1919, and notes thereto.]

SECOND SCHEDULE.

Minor Amendments of Housing Acts.

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, (1890 (53 & 54 Vict. c. 70).	
Section 23 - - -	After the words "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 34 - - -	The words "the order becomes operative" shall be substituted for the words "service of the order."
Section 35 - - -	The words "if he is not entitled to appeal to the Local Government Board against the order" shall be inserted after the word "may" where it first occurs.
Section 38 (1) (a) -	The words "or impedes" shall be inserted after the word "stops."
Section 38 (7) - -	The words "house or other building or manufactory" shall be substituted for the words "house or manufactory" wherever they occur in that sub-section.
Section 39 (8) - -	The words "as amended by any subsequent Act" shall be inserted after the word "Act" where it first occurs, and the words "to the power of the Local Government Board to enforce that duty" shall be inserted after the word "execution."
Section 40 - - - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 85 - - -	The words "powers and" shall be inserted before the word "duties."
Section 88 - - -	The words "or Part III." shall be inserted after the words "Part II."
Section 89 - - -	After the word "Act" where it first occurs the words "or any person authorised to enter dwelling-houses, premises, or buildings in pursuance of this Act" shall be inserted; the words "authority or person" shall be substituted for the words "or authority," and the words "he" shall be substituted for the words "such person."

THIRD SCHEDULE.

Modifications of the Schedule to the Housing of the Working Classes Act, 1903, in its application to Scotland.

FOURTH SCHEDULE.

Matters to be dealt with by General Provisions prescribed by the Local Government Board.

1. Streets, roads, and other ways, and stopping up, or diversion of existing highways.

2. Buildings, structures, and erections.

3. Open spaces, private and public.

4. The preservation of objects of historical interest or natural beauty.

5. Sewerage, drainage, and sewage disposal.

6. Lighting.

7. Water supply.

8. Ancillary or consequential works.

9. Extinction or variation of private rights of way and other easements.

10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

11. Power of entry and inspection.

12. Power of the responsible authority to remove, alter, or demolish any obstructive work.

13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the objects of any town-planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

15. Application with the necessary modifications and adaptations of statutory enactments.

16. Carrying out and supplementing the provisions of this Act for enforcing schemes.

17. Limitation of time for operation of scheme.

18. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.

19. Charging on the inheritance of any land the value of which is increased by the operation of a town-planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

FIFTH SCHEDULE.

1. [As amended by Third Schedule, Act of 1919.] Procedure anterior to **the preparation and adoption** of a scheme:—

(a) **Preparation and adoption of plans.**

(b) Publication of notices.

2. Procedure during, on, and after the preparation or adoption and before the approval of the scheme:—

(a) Submission to the Local Government Board of the proposed scheme, with plans and estimates.

(b) Notice of submission of proposed scheme to the Local Government Board.

(c) Hearing of objections and representations by persons affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

(d) Publication of notice of intention to approve scheme and the lodging of objections thereto.

3. Procedure after the approval of the scheme:—

(a) Notice to be given of approval of scheme.

(b) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each area, and the height and character of those buildings.

SIXTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventeen, from "who shall not hold" to end of the section.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act. 1890.	The words "for sanitary purposes" in paragraph (a) of sub-section (1) of section six Sub-section (6) of section eight, and section nine Sub-section (5) of section twelve. Sub-section (2) of section fifteen, including the proviso thereto. Sections seventeen, eighteen, and nineteen. In section twenty-five, the words at the end of the section "such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority" Sections twenty-seven and twenty-eight. In section twenty-nine, the words "means any inhabited building and" in the definition of "dwelling-house." Sections thirty-two and thirty-three. In section thirty-nine, the words "by agreement" in sub-section (4) where those words first occur, and all after the word "sanctioned" to the end of that sub-section; sub-sections (5) and (6); the words "to costs to be awarded in certain cases by a Committee of either House of Parliament" in sub-section (8); and sub-section (9) from "Provided that" to the end.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890—*cont.*	In sub-section (3) of section forty-seven, the words "the time allowed under any order for the execution of any works or the demolition of a building, or". In section fifty-three, sub-section (2). Section fifty-four, so far as unrepealed. Section fifty-five, so far as it applies to Scotland. Section sixty-three. Section sixty-five, from "and (iii)" to the end of the section. In section sixty-six, the words "or special." Section seventy-seven. Section eighty-three. In section eighty-five, the words "not exceeding three guineas a day." Section ninety-two, from "but in" to the end of the section. Sub-section (3) except paragraph (c), and sub-section (4) of section ninety-four. Sub-sections (1), (2), (7), (8), and (14) of section ninety-six. In sub-section (3) of section ninety-seven the words "the time allowed under any order for the execution of any works or the demolition of a building or." The First Schedule, so far as it applies to Scotland. The Third, Fourth, and Fifth Schedules.
59 & 60 Vict. c. 31.	The Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1896.	Section three.
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	Sections two, six, and seven. In section eight the words "Scotland or".
3 Edw. 7, c. 39	The Housing of the Working Classes Act, 1903.	Paragraph (a) and (b) of sub-section (2) of section five, sections six and eight, in section ten the words "in the manner provided by sub-section three of section thirty-two of the principal Act," and section sixteen. In section seventeen the words "Scotland or".

Housing of the Working Classes Act, 1903, as Amended.

[3 Edw. 7. c. 39—14th August, 1903.]

General Amendments of Law.

1.—(1) The maximum period which may be sanctioned as the period for which money may be borrowed by a local authority for the purposes of the Housing of the Working Classes Act, 1890 [53 & 54 Vict. c. 70] (in this Act referred to as "the principal Act"), or any Acts amending it, shall be eighty years, and as respects money so borrowed eighty years shall be substituted for sixty in section two hundred and thirty-four of the Public Health Act, 1875 [38 & 39 Vict. c. 55].

(2) Money borrowed under the principal Act or any Acts (including this Act) amending it (in this Act collectively referred to as the Housing Acts) shall not be reckoned as part of the debt of the local authority for the purposes of the limitation on borrowing under sub-sections two and three of section two hundred and thirty-four of the Public Health Act, 1875.

[**Note.**—See section 3, Act of 1909.]

2.—(1) His Majesty may by Order in Council assign to the Local Government Board any powers and duties of the Secretary of State under the Housing Acts, or under any scheme made in pursuance of those Acts, and the powers of the Secretary of State under any local Act, so far as they relate to the housing of the working classes, and any such powers and duties so assigned shall become powers and duties of the Local Government Board.

[**Note.**—The duties of the Secretary of State were so assigned by order dated the 27th day of February, 1905. (Order in Council, 1905—No. 136.)]

(2) Section eleven of the Board of Agriculture Act, 1889 [52 & 53 Vict. c. 30], shall apply with respects to the powers and duties transferred under this section as it applies with respect to the powers and duties transferred under that Act, with the substitution of the Local Government Board for the Board of Agriculture and of the date of the transfer under this section for the date of the establishment of the Board of Agriculture.

3. Where under the powers given after the date of the passing of the Act by any local Act or Provisional Order, or Order having the effect of an Act, any land is acquired, whether compulsorily or by agreement, by any authority, company, or person, or where after the date of the passing of this Act any land is so acquired compulsorily under any general Act (other than the Housing Acts), the provisions set out in the Schedule to this Act shall apply with respect to the provision of dwelling accommodation for persons of the working class.

4.—(1) If, on the report made to the confirming authority on an inquiry directed by them under section ten of the principal Act, that authority are satisfied that a scheme ought to have been made for the improvement of the area to which the inquiry relates, or of some part thereof, they may, if they think fit, order the local authority to make such a scheme, either under Part I. of the principal Act, or, if the confirming authority so direct, under Part II. of that Act, and to do all things necessary under the Housing Acts for carrying into execution the scheme so made, and the local authority shall accordingly make a scheme or direct a scheme to be prepared as if they had passed the resolution required under section four or section thirty-nine of the principal Act, as the case may be, and do all things necessary under the Housing Acts for carrying the scheme into effect.

And such order of the confirming authority may be enforced by mandamus.

(2) [As amended by Second Schedule, Act of 1919.] Any **[six]** or more ratepayers of the district shall have the like appeal under section sixteen of the principal Act as is given to the **[six]** or more ratepayers who have made the complaint to the medical officer of health mentioned in that section.

5.—(1) [Repealed by the Fifth Schedule, Act of 1919.]

(2) The order of a confirming authority under sub-section four of section eight of the principal Act shall, notwithstanding anything in that section, take effect without confirmation by Parliament. [Remainder of section repealed by Sixth Schedule, Act of 1909.]

(3) For the purposes of the principal Act, the making of an order by a confirming authority, which takes effect under this section without confirmation by Parliament, shall have the same effect as the confirmation of the order by Act of Parliament, and any reference to a Provisional Order, made under section eight of the principal Act, shall include a reference to an order which so takes effect without confirmation by Parliament.

6. [Repealed by Sixth Schedule, Act of 1909.]

7. Where a scheme for reconstruction under Part II. of the principal Act is made, neighbouring lands may be included in the area comprised in the scheme if the local authority under whose direction the scheme is made are of opinion that that inclusion is necessary for making their scheme efficient, but the provision of sub-section two of section forty-one, as to the exclusion of any additional allowance in respect of compulsory purchase, shall not apply in the case of any land so included.

Amendments as to Closing Orders, Demolition, Etc.

8. [Repealed by Sixth Schedule, Act of 1909.]

9. Where the amount realised by the sale of materials under section thirty-four of the principal Act is not sufficient to cover the expenses incident to the taking down and removal of a building, the local authority may recover the deficiency from the owner of the building as a civil debt in manner provided by the Summary

Jurisdiction Acts, or under the provisions of the Public Health Acts relating to private improvement expenses.

10. [As amended by Sixth Schedule, Act 1 of 1909.] Where default is made as respects any dwelling house in obeying a closing order, possession of the house may be obtained (without prejudice to the enforcement of any penalty under that provision), [see note], whatever may be the value or rent of the house, by or on behalf of the owner or local authority, either under sections one hundred and thirty-eight to one hundred and forty-five of the County Courts Act, 1888, or under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, and in either case may be obtained as if the owner or local authority were the landlord.

Any expenses incurred by a local authority under this section may be recovered from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

[**Note.**—The words in parenthesis apparently ought to have been repealed and are an oversight. After the word "order" in the third line of the section, the text originally read "in the manner provided by sub-section 3 of section 32 of the principal Act." That section is now repealed and the words in this section above quoted were also repealed. The words in brackets are now meaningless.]

Miscellaneous.

11.—(1) Any power of the local authority under the Housing Acts, or under any scheme made in pursuance of any of those Acts, to provide dwelling accommodation or lodging-houses, shall include a power to provide and maintain, with the consent of the Local Government Board, and, if desired, jointly with any other person, in connection with any such dwelling accommodation or lodging-houses, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Local Government Board will serve a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging-houses are provided, and to raise money for the purpose, if necessary, by borrowing.

(2) The Local Government Board may, in giving their consent to the provision of any land or building under this section, by order apply, with any necessary modifications, to such land or building any statutory provisions which would have been applicable thereto if the land or building had been provided under any enactment giving any local authority powers for the purpose.

12. Section seventy-five of the principal Act (which relates to the condition to be implied on letting houses for the working classes) shall, as respects any contract made after the passing of this Act, take effect notwithstanding any agreement to the contrary, and any such agreement made after the passing of this Act shall be void.

13.—(1) Any notice required to be served under Part II. of the principal Act upon an owner shall, notwithstanding anything in section forty-nine of that Act, be deemed to be sufficiently served if it is sent by post in a registered letter addressed to the owner or his agent at his usual or last known residence or place of business.

(2) Any document referred to in section eighty-seven of the principal Act shall be deemed to be sufficiently served upon the local authority if addressed to that authority or their clerk at the office of that authority and sent by post in a registered letter.

Special Provisions as to London.

14. The council of a metropolitan borough may, if they think fit, pay or contribute towards the payment of any expenses of the London County Council under sub-section five of section forty-six of the principal Act in connection with a scheme of reconstruction, and borrow any money required by them for the purpose under sub-section two of the said section; but an order under sub-section six shall not be necessary except in cases of disagreement between the county council and the council of the borough.

15. For the purpose of carrying into effect the provisions of this Act as to the maximum period for which money may be borrowed, eighty years shall be substituted for sixty years in section twenty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and such sum as will be sufficient, with compound interest, to repay the money borrowed within such period, not exceeding eighty years, as may be sanctioned by the London County Council, shall be substituted for two pounds per cent. in section one hundred and ninety of the Metropolis Management Act, 1855.

16. [Repealed by Sixth Schedule, Act of 1909.]

17. Short title, etc.

SCHEDULE.

(1) If in the administrative county of London or in any borough or urban district, or in any parish not within a borough or urban district, the undertakers have power to take under the enabling Act working-men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Local Government Board have either approved of a housing scheme under this schedule or have decided that such a scheme is not necessary.

For the purposes of this schedule a house shall be considered a working-man's dwelling if wholly or partially occupied by a person belonging to the working classes, and for the purpose of determining whether a house is a working-man's dwelling or not, and also for determining the number of persons belonging to the working classes by whom any dwelling-houses are occupied, any occupation on or after the fifteenth day of December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Local Government Board under this schedule, for their approval of or decision with respect to a housing scheme, shall be taken into consideration.

(2) The housing scheme shall make provision for the accommodation of such number of persons of the working class as is, in the opinion of the Local Government Board, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons of the working class displaced; and in calculating that number the Local Government Board shall take into consideration not only the persons of the working class who are occupying the working-men's dwellings which the undertakers have power to take, but also any persons of the working class who, in the opinion of the Local Government Board, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

(3) Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part III. of the principal Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

(4) The housing scheme shall provide that any lands acquired under that scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings for persons of the working class, except so far as the Local Government Board dispense with that appropriation; and every conveyance, demise, or lease of any such land shall be endorsed with notice of this provision, and the Local Government Board may require the insertion in the scheme of any provisions requiring a certain standard of dwelling-house to be erected under the scheme, or any conditions to be complied with as to the mode in which the dwelling-houses are to be erected.

(5) If the Local Government Board do not hold a local inquiry with reference to a housing scheme, they shall, before approving the scheme, send a copy of

the draft scheme to every local authority, and shall consider any representation made within the time fixed by the Board by any such authority.

(6) The Local Government Board may, as a condition of their approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any working-men's dwellings under the enabling Act.

(7) Before approving any scheme the Local Government Board may if they think fit require the undertakers to give such security as the Board consider proper for carrying the scheme into effect.

(8) The Local Government Board may hold such inquiries as they think fit for the purpose of their duties under this schedule, and sub-sections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply for the purpose, and where the undertakers are not a local authority shall be applicable as if they were such an authority.

(9) If the undertakers enter on any working-men's dwelling in contravention of the provisions of this schedule, or of any conditions of approval of the housing scheme made by the Local Government Board, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling: Any such penalty shall be recoverable by the Local Government Board by action in the High Court, and shall be carried to and form part of the Consolidated Fund.

(10) If the undertakers fail to carry out any provision of the housing scheme, the Local Government Board may make such order as they think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by mandamus.

(11) The Local Government Board may, on the application of the undertakers, modify any housing scheme which has been approved by them under this Schedule, and any modifications so made shall take effect as part of the scheme.

(12) For the purposes of this schedule—

(a) The expression "undertakers" means any authority, company, or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act:

(b) The expression "enabling Act" means any Act of Parliament or Order under which the land is acquired:

(c) The expression "local authority" means the council of any administrative county and the district council of any county district, or, in London, the council of any metropolitan borough, in which in any case any houses in respect of which the re-housing scheme is made are situated, or in the case of the city the common council:

(d) The expression "dwelling" or "house" means any house or part of a house occupied as a separate dwelling:

(e) The expression "working class" includes mechanics, artisans, labourers, and others working for wages; hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Housing of the Working Classes Act, 1900, as Amended.

[63 & 64 Vict. c. 59—8th August, 1900.]

1. Where any council, other than a rural district council, have adopted Part Three of the Housing of the Working Classes Act, 1890 (in this Act referred to as "the principal Act"), they may, for supplying the needs of their district, establish or acquire lodging houses for the working classes under that Part outside their district.

2. [Repealed by Sixth Schedule, Act of 1909.]

3.—(1) Any expenses incurred by the council of a metropolitan borough under Part III. of the principal Act, whether within or without the borough, shall be defrayed as part of the ordinary expenses of the council, and in that Act the expressions "district," "local authority," and "local rate" shall, for the purposes of Part III. of the Act, include a metropolitan borough, the council of the borough, and the general rate of the borough.

(2) Where the council of a metropolitan borough adopt Part III. of the principal Act, the power of the council to borrow for the purposes of that Part shall be exercisable in the like manner and subject to the like conditions as the power of the council to borrow for the purposes of Part II. of that Act.

4. Where land acquired by a council under Part III. of the principal Act is appropriated for the purpose of re-housing persons displaced by the council under the powers of any other Part of that Act or of any other enactment, the receipts and expenditure in respect of that land (including all costs in respect of the acquisition and laying out of the land), and of any buildings erected thereon, may be treated as receipts and expenditure under that Part or enactment, but shall be accounted for under a separate head.

[**Note.**—See section 80 of the Act of 1890.]

5. [Repealed by Fifth Schedule, Act of 1919.]

6 and 7. [Repealed by Sixth Schedule, Act of 1909.]

8. Short title, etc.

SCHEDULE.

Repeal.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The proviso to section fifty-four. Section fifty-five. In section sixty-five, the words from "and save where" to "bear such expenses," and the words "at the time of the publication of the certificate" and "who publish the same."

Housing of the Working Classes Act, 1890, as Amended.

[53 & 54 Vict. c. 70—18th August, 1890.]

PART I.

Unhealthy Areas.

2. In this part of this Act—

The expression "this part of this Act" includes any confirming Act, and

The expression "the Acts relating to nuisances" means—

as respects the county of London and city of London, the Nuisances Removal Acts as defined by the Sanitary Act, 1866, and any Act amending these Acts; and

as respects any urban sanitary district in England the Public Health Acts;

and in the case of any of the above-mentioned areas, includes any local Act which contains any provisions with respect to nuisances in that area.

[**Note.**—For definition of "street," see section 48, Act of 1909.]

3. This part of this Act shall not apply to rural sanitary districts.

Scheme by Local Authority.

4. [As amended by section 22 of the Act of 1909.] Where an official representation as hereinafter mentioned is made to the local authority that within a certain area in the district of such authority either—

(a) any houses, courts, or alleys are unfit for human habitation, or

(b) the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within such area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area or of the neighbouring buildings;

and that the [**most satisfactory method of dealing with the evils connected with such houses, courts, or alleys and the sanitary defects in such area is**] an improvement scheme for the re-arrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth

thereof, and of the sufficiency of their resources, shall pass a resolution the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that any number of such areas may be included in one improvement scheme.

[**Note.**—The Ministry can now require a local authority to make a scheme irrespective of the sufficiency of their resources—see section 5, Act of 1919.]

5.—(1) An official representation for the purposes of this part of this Act shall mean a representation made to the local authority by the medical officer of health of that authority, and in London made either by such officer or by any medical officer of health in London.

(2) [As amended by the Second Schedule, Act of 1919.] A medical officer of health shall make such representation whenever he sees cause to make the same; and if [**any**] justice of the peace acting within the district for which he acts as medical officer of health, or [**six**] or more persons liable to be rated to the local rate complain to him of the unhealthiness of any area within such district, it shall be the duty of the medical officer of health forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the said area or any part thereof is an unhealthy area or is not an unhealthy area.

6.—(1) The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates, and

(a) [as amended by the Sixth Schedule, Act of 1909] may exclude any part of the area in respect of which an official representation is made, or include any neghbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient; and

(b) may provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; and

(c) shall provide such dwelling accommodation, if any, for the working classes displaced by the scheme as is required to comply with this Act; and

(d) shall provide for proper sanitary arrangement; **'and'**

(e) [added to the text by section 23 (1), Act of 1909] [**may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme.**]

(2) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3) [As amended by Second Schedule, Act of 1919.] The scheme may also provide for the scheme or any part thereof being carried out and effected by [**any person having such interest in any property comprised in the scheme as may be sufficient to enable him to carry out and effect the same**] under the superintendence and con-

trol of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

Confirmation of Scheme.

7. Upon the completion of an improvement scheme the local authority shall [**forthwith** ["forthwith" inserted by Second Schedule, Act of 1919]—

(a) [as amended by Second Schedule, Act of 1919] publish, in [a] newspaper circulating within the district of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

(b) [as amended by Second Schedule, Act of 1919] serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier [**except tenants for a month or a less period than a month**] of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands;

(c) Such notice shall be served—

(i.) by delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,

(ii.) by leaving the same at the usual or last known place of abode of such person as aforesaid; or,

(iii.) by post addressed to the usual or last known place of abode of such person.

(d) one notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

8.—(1) [As amended by the Statute Law Revision Act, 1908.] Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition to the Local Government Board, praying that an order may be made confirming such scheme.

(2) [As amended by the Statute Law Revision Act, 1908.] The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Local Government Board, in this part of this Act referred to as the confirming authority), may from time to time require.

(3) If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the

case, they shall direct a local inquiry to be held in, or in the vicinity of, the area comprised in the scheme, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme.

(4) After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area comprised in the scheme and authorising such scheme to be carried into execution.

(5) [As amended by Second Schedule, Act of 1919.] Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a **notice**] of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this part of this Act to be served.

(6) [Repealed by Sixth Schedule, Act of 1909.]

(7) The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

(8) All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this part of this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this part of this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the the time being due in respect of such costs, charges, and expenses as aforesaid.

(9) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.

[**Note.**—"Provisional Order" includes an order which takes effect without Parliamentary sanction. (Section 5 (3), Act of 1903.)]

9. [Repealed by Sixth Schedule, Act of 1909.]

10. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, the local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority

may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

[**Note.**—See section 4, Act of 1903.]

[**Note.**—For power of the Local Government Board to act in default, see section 11, Act of 1909, and section 5, Act of 1919.]

Provision of Dwelling Accommodation for Working Classes displaced by Scheme.

11.—(1) [Repealed by section 30, Act of 1919.]

(2) [As amended by section 33, Act of 1919.] [**A scheme**] shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of those persons of the working classes displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the inquiry may require.

Execution of Scheme by Local Authority.

12.—(1) [As amended by Second Schedule, Act of 1919.] When the confirming Act authorising any improvement scheme of a local authority under this part of this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. [**Provided that the local authority shall not be required to acquire any leasehold interest in any property comprised in a scheme which can be allowed to expire without unduly delaying the execution of the scheme.**]

[**Note.**—No confirming Act of Parliament is now required.]

(2) They may sell or let all or any part of the area comprised in the scheme to any purchasers or lessees for the purpose and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease.

(3) The local authority may also engage with any body of trustees, society, or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out,

form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

(4) Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

(5) [Repealed by Sixth Schedule, Act of 1909.]

(6) [As amended by Second Schedule, Act of 1919.] The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with [**any person having such interest in an improvement scheme as may be sufficient to enable him to carry out and effect the same**] for the carrying of the scheme into effect by him in respect of such land.

13. If within five years after the removal of any buildings on the land set aside by any scheme authorised by a confirming Act as sites for working men's dwellings, the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this part of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

14. [Repealed by Fifth Schedule, Act of 1909.]

15.—(1) The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme authorised by a confirming Act, may permit the local authority to modify any part of their improvement scheme which it may appear inexpedient to carry into execution, but any part of the scheme respecting the provision of dwelling accommodation for persons of the working class, when so modified, shall be such as might have been inserted in the original scheme.

[**Note.**—See, further, section 25, Act of 1909.]

(2) [Repealed by Sixth Schedule, Act of 1909.]

Inquiries with respect to Unhealthy Areas.

16.—(1) [As amended by Second Schedule, Act of 1919.] Where in any district [**complaint has been made**] to a medical officer of health of the unhealthiness of any area within that district [**by any person or persons competent under the foregoing provisions of this Act to make such complaint**], and the medical officer of health has failed to inspect such area, or to make an official representation

with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such **[complainant or complainants as the case may be]** may appeal to the confirming authority, and the confirming authority **[may]** appoint a legally qualified medical practitioner to inspect such area, and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area or any part thereof is or is not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it states that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

[**Note.**—As to complainant or complainants, see section 5 (2) of this Act, and section 4 (2), Act of 1903. The confirming authority may now utilise the county medical officer to hold the inspection, if the representation respects a county district and is that the local authority have failed to exercise their power—see section 6, Act of 1919.]

(2) The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the medical practitioner appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where he is of opinion that the area or any part thereof is an unhealthy area.

(3) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court and be enforced accordingly.

17, 18 and **19.** [Repealed by Sixth Schedule, Act of 1909.]

Acquisition of Land.

20. The clauses of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the Second Schedule to this Act, apply to any lands taken in pursuance of this part of this Act, but save as aforesaid the said Lands Clauses Acts, as amended by the provisions contained in the said schedule, shall regulate and apply to the purchase and taking of lands, and shall for that purpose be deemed to form part of this part of this Act in the same manner as if they were enacted in the body thereof; subject to the provisions of this part of this Act and to the provisions following: that is to say,

(i.) This part of this Act shall authorise the taking by agreement of any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:

[**Note.**—No confirming Act is now required.]

(ii.) In the construction of the Lands Clauses Acts, and the provisions in the Second Schedule to this Act, this part of this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the under-

taking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

21.—(1) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this part of this Act requires to be assessed—

[**Note.**—The following provisions of this section now cease to apply so far as they are inconsistent or in conflict with section 9 of the Act of 1919.]

(a) the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then conditions of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands included in a scheme which, in the opinion of the arbitrator, have been so included as falling under the description of property which may be constituted an unhealthy area under this part of this Act; and

(b) in such estimate any addition to or improvement of the property made after the date of the publication in pursuance of this part of this Act of an advertisement stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands; and

(2) On the occasion of assessing the compensation payable under any improvement scheme in respect of any house or premises situate within an unhealthy area evidence shall be receivable by the arbitrator to prove—

[**Note.**—As to the word "evidence" above, see section 29 of 1909 Act.]

(1st) that the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the house or premises are in such a condition as to be a nuisance within the meaning of the Acts relating to nuisances, or are in a state of defective sanitation, or are not in reasonably good repair; or

(3rdly) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only

by the number of persons whom the house or premises were under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) shall in the second case be the amount estimated as the value of the house or premises if the nuisance had been abated, or if they had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of abating the nuisance, or putting them into such condition or repair, as the case may be; and

(c) shall in the third case be the value of the land, and of the materials of the building thereon.

22. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this part of this Act, or as near thereto as circumstances admit.

[**Note.**—See, further, section 27, Act of 1909.]

23. [As amended by Second Schedule, Act of 1909.] A local authority may, for the purpose of providing accommodation for persons of the working classes displaced [**in consequence of**] any improvement scheme, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient.

Expenses.

24.—(1) The receipts of a local authority under this part of this Act shall form a fund (in this Act referred to as "the Dwelling-house Improvement Fund"), and their expenditure shall be defrayed out of such fund.

(2) The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this part of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

[**Note.**—As to this clause, see, further, section 30, Act of 1909.]

(3) In settling any accounts of the local authority in respect of any transactions under this part of this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this part of this Act; and any balances of profit made by the local authority under this part of this Act shall be applicable to any purposes to which the local rate is for the time being applicable.

(4) Any limit imposed on or in respect of local rates by any

other Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses under this part of this Act.

(5) The local authority may carry to the account of the Dwelling-house Improvement Fund any such money or produce of any property, as is legally applicable to purposes similar to the purposes of this part of this Act; and in case of doubt as to whether, in any particular case, the purposes are so similar the confirming authority may decide such doubt, and such decision shall be conclusive.

25.—(1) A local authority may, in manner in this section mentioned, borrow such money as is required for the purposes of this part of this Act on the security of the local rate.

(2) For the purpose of such borrowing, the London County Council may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Acts, 1869 to 1871, but all moneys required for the payment of the dividends on and the redemption of the consolidated stock created for the purposes of this part of this Act shall be charged to the special county account to which the expenditure for the purposes of this part of this Act is chargeable.

(3) For the purpose of such borrowing, the Commissioners of Sewers for the City of London may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this part of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers, the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall be incorporated with this part of this Act; and in the construction of that Act "the special Act" shall mean this part of this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this part of this Act; and the mortgages [**mortgagees**] or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

(4) For the purpose of such borrowing, the urban sanitary authority shall have the same power of borrowing as they have under the Public Health Acts for the purpose of defraying any expenses incurred by them in the execution of those Acts.

(5) [As amended by Sixth Schedule, Act of 1909]. The Public Works Loan Commissioners may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this part of this Act, on the security of the local rate.

[**Note.**—As to loans by the Commissioners, see, further, sections 1 (1) and 15, Act of 1903, section 3, Act of 1909, and section 7 (2), Act of 1919.]

General Provisions.

26. In case of the illness or unavoidable absence of a medical officer of health, the authority, board, or vestry who appointed him

may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, for the period of six months or any less period to be named in the appointment.

27 and **28.** [Repealed by Sixth Schedule, Act of 1909.]

PART II.

Unhealthy Dwelling-Houses.

Preliminary.

29. In this part of this Act, unless the context otherwise requires—

The expression "street" includes any court, alley, street, square, or row of houses:

The expression "dwelling-house" [definition amended by section 49, Act of 1909] includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith, and includes the site of the dwelling-house as so defined;

For the expression "owner," [now see section 49 (2), Act of 1909]

The expression "closing order" means an order prohibiting the use of premises for human habitation made under the enactments set out in the Third Schedule in this Act.

Buildings unfit for Human Habitation.

30. It shall be the duty of the medical officer of health of every district to represent to the local authority of that district any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation.

Note.—The local authority themselves are obliged to inspect their districts (section 17, Act of 1909). As to sleeping rooms to be considered dangerous or injurious to health, see section 17 (7), Act of 1909. For prohibition of back-to-back houses, see section 43, Act of 1909.]

31.—(1) [As amended by Second Schedule, Act of 1919]. [**If any justice of the peace acting for a district, or any member of the local authority, or any four or more householders in a district**] complain in writing to the medical officer of health of that district that any dwelling-house is in a condition so dangerous or injurious to health as to be unfit for human habitation, he shall forthwith inspect the same, and transmit to the local authority the said complaint, together with his opinion thereon, and if he is of opinion that the dwelling-house is in the condition aforesaid, shall represent the same to the local authority, but the absence of any such complaint shall not excuse him from inspecting any dwelling-house and making a representation thereon to the local authority.

(2) If within three months after receiving the said complaint and opinion or representation of the medical officer, the local authority, not being in the administrative county of London, or not being a rural sanitary authority in any other county, declines or neglects to take any proceedings to put this part of this Act in force, the householders [*sic*—originally it was only householders who could make a complaint under scheme 1. Clause 2 has not been amended

in keeping with Clause 1. Compare "complainant or complainants," section 16], who signed such complaint may petition the Local Government Board for an inquiry, and the said Board after causing an inquiry to be held may order the local authority to proceed under this part of this Act, and such order shall be binding on the local authority.

[**Note.**—For powers of Ministry of Health to enforce this Part of this Act, see now sections 10 and 11, Act of 1909, and section 5, Act of 1919. For powers of county councils as respects rural districts, see section 45 of this Act, *post*.]

Closing Order and Demolition.

32 and **33.** [Repealed by Sixth Schedule, Act of 1909. Now see section 17 and 18, Act of 1909.]

34.—(1) [As amended by Second Schedule, Act of 1909.] Where an order for the demolition of a building has been made, the owner thereof shall within three months after the [**order becomes operative**] proceed to take down and remove the building, and if the owner fails therein the local authority shall proceed to take down and remove the building and shall sell the materials, and after deducting the expenses incident to such taking down and removal, pay over the balance of money (if any) to the owner.

[**Note.**—In case of a deficiency after sale, see section 9, Act of 1903.]

(2) Where a building has been so taken down and removed, no house or other building or erection which will be dangerous or injurious to health shall be erected on all or any part of the site of such building; and if any house, building, or erection is erected contrary to the provisions of this section, the local authority may at any time order the owner thereof to abate the same, and in the event of non-compliance with the order, may at the expense of the owner abate or alter the same.

35.—(1) [As amended by Second Schedule, Act of 1909.] Any person aggrieved by an order of the local authority under this part of this Act, may [**if he is not entitled to appeal to the Local Government Board against the owner**] appeal against the same to a court of quarter sessions, and no work shall be done nor proceedings taken under any order until after the appeal is determined or ceases to be prosecuted; and section thirty-one of the Summary Jurisdiction Act, 1879, respecting appeals from courts of summary jurisdiction to courts of quarter sessions shall apply with the necessary modifications as if the order of the local authority were an order of a court of summary jurisdiction.

(2) Provided that—

(a) Notice of appeal may be given within one month after notice of the order of the local authority has been served on such person;

(b) The court shall, at the request of either party, state the facts specially for the determination of a superior court, in which case the proceedings may be removed into that court.

[**Note.**—For appeal to the Ministry of Health, now see section 17 (3) and (6), and section 18 (4), Act of 1909.]

36.—(1) Where any owner has completed in respect of any dwelling-house any works required to be executed by an order of a local

authority under this part of this Act, he may apply to the local authority for a charging order, and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts of and vouchers for the costs, charges, and expenses of the works, and the local authority, when satisfied that the owner has duly executed such works and of the amount of such costs, charges, and expenses, and of the costs of obtaining the charging order which have been properly incurred, shall make and order accordingly, charging on the dwelling-house an annuity to repay the amount.

(2) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in such order, his executors, administrators, or assigns.

(3) Every such annuity may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the dwelling-house by the owner thereof.

[**Note.**—Provision is made for redemption in section 19, Act of 1909.]

(4) Charging orders made under this section shall be made according to the Form marked A. in the Fifth Schedule to this Act, or as near thereto as the circumstances of the case will admit.

[**Note.**—The Fifth Schedule is now repealed by the Sixth Schedule, Act of 1909. Forms are now prescribed by the Ministry of Health—see section 41, Act of 1909.]

37.—(1) Every charge created by a charging order under this part of this Act shall be a charge on the dwelling-house specified in the order having priority over all existing and future estates, interests, and incumbrances, with the exception of quitrents and other charges incident to tenure, tithe commutation rentcharge, and any charge created under any Act authorising advances of public money; and where more charges than one are charged under this part of this Act on any dwelling-house such charges shall, as between themselves, take order according to their respective dates.

[**Note.**—As to priority of charges, see section 20, Act of 1909.]

(2) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this part of this Act directed with reference to or consequent on the obtaining of such order, or the making of such charge, have been duly served, done, and taken, and that such charge has been duly created, and that it is a valid charge on the dwelling-house declared to be subject thereto.

(3) Every such charging order, if it relates to a dwelling-house in the area to which the enactments relating to the registration of land in Middlesex apply or to a dwelling-house in Yorkshire, shall be registered in like manner as if the charge were made by deed by the absolute owner of the dwelling-house.

(4) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk of the local authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the dwelling-house is situate, and be by him filed and recorded.

(5) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred. Any transfer may be in the Form marked B. in the Fifth Schedule to this Act, or in any other convenient form.

[**Note.**—See Note to section 36 (4).]

Obstructive Buildings.

38.—(1) If a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

(a) [As amended by Second Schedule, 1909.] It stops [**or impedes**] ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) It prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings:

in any such case, the medical officer of health shall represent to the local authority the particulars relating to such first-mentioned building (in this Act referred to as "an obstructive building") stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2) [As amended by Second Schedule, Act of 1919.] [**Any justice of the peace acting for a district, or any member of the local authority, or**] any four or more inhabitant householders of a district may make to the local authority of the district a representation as respects any building to the like effect as that of the medical officer under this section.

(3) The local authority on receiving any such representation as above in this section mentioned shall cause a report to be made to them respecting the circumstances of the building and the cost of pulling down the building and acquiring the land, and on receiving such report shall take into consideration the representation and report, and if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order either allowing the objection or directing that such obstructive building shall be pulled down, and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the foregoing provisions of this part of this Act.

(4) Where an order of the local authority for pulling down an obstructive building is made under this section and either no appeal is made against the order, or an appeal is made and either fails or is abandoned, the local authority shall be authorised to purchase the lands on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same; and for the purpose of such purchase the provisions of the Lands Clauses Acts, with respect to the purchase and taking of

lands otherwise than by agreement shall be deemed to be incorporated in this part of this Act (subject nevertheless to the provisions of this part of this Act), and for the purpose of the provisions of the Lands Clauses Acts this part of this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5) The owner of the lands may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

[**Note.**—The one month may be extended by court of summary jurisdiction—see section 47 (3).]

(6) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided in this part of this Act.

[**Note.**—See section 28, Act of 1909.]

(7) [As amended by Second Schedule, Act of 1909.] Where the local authority is empowered to purchase land compulsorily, it shall not be competent for the owner of a **house or other building or manufactory**] to insist on his entire holding being taken, where part only is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the arbitrator to whom the question of disputed compensation is submitted, be severed from the remainder of the house [**or other building**] or manufactory without material detriment thereto, provided that compensation may be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part.

(8) Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates, shall so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act.

[**Note.**—See, further, section 28 (2), Act of 1909.]

(9) If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such

apportionment is made, such dispute shall be settled by two justices in manner provided by the Lands Clauses Acts, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

(10) Where the owner retains the site or any part thereof, no house or other building or erection which will be dangerous or injurious to health, or which will be an obstructive building within the meaning of this section, shall be erected upon such site or any part thereof; and if any house, building, or erection is erected on the site contrary to the provisions of this section the local authority may at any time order the owner to abate or alter the said house, building, or erection; and in the event of non-compliance with such order may, at the expense of the owner thereof, abate or alter the same.

(11) Where the lands are purchased by the local authority the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building, and may, with the assent of the Local Government Board, and upon such terms as that Board think expedient, sell such portion of the site as is not required for the purpose of carrying this section into effect

[**Note.**—There is no obligation to sell such surplus land—see section 40, Act of 1909.]

(12) A local authority may, where they so think fit, dedicate any land acquired by them under the authority of this section as a highway or other public place.

Scheme for Reconstruction.

39.—(1) In any of the following cases, that is to say,—

(a) where an order for the demolition of a building has been made in pursuance of this part of this Act, and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses if the area of the dwelling-house of which such building forms part were used for all or any of the following purposes, that is to say, either—

(i.) dedicated as a highway or open space, or

(ii.) appropriated, sold, or let for the erection of dwellings for the working classes, or

(iii.) exchanged with other neighbouring land which is more suitable for the erection of such dwellings, and on exchange will be appropriated, sold, or let for such erection; or

(b) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings, and that the demolition or the reconstruction and re-arrange-

ment of the said buildings or of some of them is necessary to remedy the said evils, and that the area comprising those buildings and the yards, outhouses, and appurtenances thereof, and the site thereof, is too small to be dealt with as an unhealthy area under Part I. of this Act,

the local authority shall pass a resolution to the above effect and direct a scheme to be prepared for the improvement of the said area.

[**Note.**—Neighbouring land may be included in a scheme—see section 7, Act of 1903. Provision may be made in the scheme for any matters for which provision may be made in a scheme under Part I.—see section 23 (2), Act of 1909. Land may be acquired in advance—see section 13, Act of 1919.]

(2) Notice of the scheme may at any time after the preparation thereof be served in manner provided in Part I. of this Act with respect to notices of lands proposed to be taken compulsorily under a scheme made in pursuance of that part of this Act, on every owner or reputed owner, lessee or reputed lessee, and occupier of any part of the area comprised in the scheme, so far as those persons can reasonably be ascertained.

(3) The local authority shall, after service of such notice, petition the Local Government Board for an order sanctioning the scheme, and the Board may cause a local inquiry to be held, and, if satisfied on the report of such local inquiry that the carrying into effect of the scheme either absolutely, or subject to conditions or modifications would be beneficial to the health of the inhabitants of the said buildings or of the neighbouring dwelling-houses, may by order sanction the scheme with or without such conditions or modifications.

(4) [As amended by Sixth Schedule, Act of 1909.] Upon such order being made, the local authority may purchase the area comprised in the scheme as so sanctioned.

(5) and (6) [Repealed by Sixth Schedule, Act of 1909.]

(7) The order may incorporate the provisions of the Lands Clauses Acts, and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the area shall be acquired within three years after the date of the confirmation of the order: Provided that the amount of compensation shall, in case of difference, be settled by arbitration in manner provided by this part of this Act.

(8) [As amended by Second and Sixth Schedules, Act of 1909.] The provisions of Part I. of this Act relating to the duty of a local authority to carry a scheme when confirmed into execution, [**to the power of the Local Government Board to enforce that duty**], to the completion of a scheme on failure by a local authority, and to the extinction of rights of way and other easements, shall, with the necessary modifications, apply for the purpose of any scheme under this section in like manner as if it were a scheme under Part I. of this Act.

[**Note.**—See sections 12 (1), 8 (9), 10, 13, and 22.]

(9) The Local Government Board, on being satisfied by the local authority that an improvement can be made in the details of any scheme under this section, may by order permit the local authority to modify any part of the scheme which it may appear inexpedient

to carry into execution: [Remainder of clause repealed by Sixth Schedule, Act of 1909.]

[**Note.**—As to modification of schemes, see, further, section 25, Act of 1909.]

40. [As amended by Second Schedule, Act of 1909.] The Local Government Board shall in any order sanctioning a scheme under this part of this Act require the insertion in the scheme of such provisions (if any) for the dwelling accommodation of persons of the working classes displaced [**in consequence of**] the scheme as seem to the Board required by the circumstances.

[**Note.**—Under section 3, Act of 1903, re-housing is an obligation whenever land is taken compulsorily—see section 3, Act of 1903.]

Settlement of Compensation.

41. In all cases in which the amount of any compensation is, in pursuance of this part of this Act, to be settled by arbitration, the following provisions shall have effect (namely):—

(1) The amount of compensation shall be settled by an arbitrator to be appointed and removable by the Local Government Board.

(2) In settling the amount of any compensation—

[**Note.**—The following provisions of this section cease to apply in so far as they are inconsistent or in conflict with section 9, Act of 1919. If neighbouring lands are included in a scheme under Part II. of this Act, the provision of sub-section 2 of this section as to the exclusion of any additional allowance in respect of compulsory purchase is not to apply in case of any land so included (section 7, Act of 1900).]

(a) The estimate of the value of the dwelling-house shall be based on the fair market value as estimated at the time of the valuation being made of such dwelling-house, and of the several interests in such dwelling-house, due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state, and to the state of repair thereof, and without any additional allowance in respect of compulsory purchase; and

(b) The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other dwelling-houses of the same owner by the alteration or demolition by the local authority of any buildings.

(3) Evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the dwelling-house was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the dwelling-house is in a state of defective sanitation, or is not in reasonably good repair; or

(3rdly) that the dwelling-house is unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based

on the rental which would have been obtainable if the dwelling-house was occupied for legal purposes and only by the number of persons whom the dwelling-house was under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) shall in the second case be the amount estimated as the value of the dwelling-house if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) shall in the third case be the value of the land, and of the materials of the buildings thereon.

[**Note.**—As to the evidence that may be tendered, see, further, section 29, Act of 1909.]

(4) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of the dwelling-house, or on payment thereof in manner prescribed by the Lands Clauses Acts, the owner shall, when required by the local authority, convey his interest in such dwelling-house to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to such dwelling-house to the satisfaction of the local authority, it shall be lawful for the local authority, if they think fit, to execute a deed poll in such manner and with such consequences as are mentioned in the Lands Clauses Acts.

(5) Sections thirty-two, thirty-three, thirty-five, thirty-six, and thirty-seven of the Lands Clauses Consolidation Act, 1845, shall apply, with any necessary modifications, to an arbitration and to an arbitrator appointed under this part of this Act.

(6) The arbitrator may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the dwelling-houses included in one or more order or orders made by the local authority; but he may, and, if the local authority request him so to do, shall, from time to time make an award respecting a portion only of the disputed cases brought before him.

(7) In the event of the death, removal, resignation, or incapacity, refusal, or neglect to act of any arbitrator before he shall have made his award, the Local Government Board may appoint another arbitrator, to whom all documents relating to the matter of the arbitration which were in the possession of the former arbitrator shall be delivered.

(8) The arbitrator may, where he thinks fit, on the request of any party by whom any claim has been made before him, certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority.

(9) The arbitrator shall not give such certificate where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator, and need not give such certificate to any party where he considers that such party neglected, after due

notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.

(10) If within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.

(11) The award of the arbitrator shall be final and binding on all parties.

Expenses and Borrowing.

42.—(1) All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed by them out of the local rate; and that authority, notwithstanding any limit contained in any Act of Parliament respecting a local rate, may levy such local rate, or any increase thereof, for the purposes of this part of this Act.

(2) Any expenses incurred by a rural sanitary authority under this part of this Act, other than the expenses incurred in and incidental to proceedings for obtaining a closing order, shall be charged as special expenses on the contributory place in respect of which they are incurred.

43.—(1) A local authority may borrow for the purpose of raising sums required for purchase money or compensation payable under this part of this Act in like manner, and subject to the like conditions, as for the purpose of defraying the expenses of the execution by such authority of the Public Health Acts.

[**Note.**—The Housing of the Working Classes Act, 1894 (57 & 58 Vict. c. 55), enacted: "For the purposes for which a local authority are, by a scheme for reconstruction duly sanctioned under Part II. of the Housing of the Working Classes Act, 1890, or by order sanctioning the scheme authorised to borrow, the authority shall have power and shall be deemed always to have had power to borrow in like manner and subject to like conditions as they may borrow under section 43 of that Act for the purpose of raising the sums required for the purchase money or compensation therein mentioned, and sections 43 and 46 of that Act shall apply accordingly."]

(2) The Public Works Loan Commissioners may, if they think fit, lend to any local authority the sums borrowed in pursuance of this part of this Act.

[**Note.**—As to terms of loans by the Commissioners, see now section 1 of the Act of 1903, section 3, Act of 1909, and section 7 (2), Act of 1919.]

44. Every local authority shall every year present to the Local Government Board, in such form as they may direct, an account of what has been done, and of all moneys received and paid by them during the previous year, with a view to carrying into effect the purposes of this part of this Act.

Powers of County Councils.

45.—(1) [As amended by Second Schedule, Act of 1919.] Where the medical officer of health, [**inspector of nuisances or other officer of the district authority**] or any inhabitant householders make a

representation or complaint, or give information to any vestry or district board in the administrative county of London or to the local board of Woolwich, or to any rural sanitary authority elsewhere (which vestry, board, or authority is in this Act referred to as the district authority) or to the medical officer of such authority either respecting any dwelling-house being in a state so dangerous or injurious to health as to be unfit for human habitation, or respecting an obstructive building, and also where a closing order has been made as respects any dwelling-house, the district authority shall forthwith forward to the county council of the county in which the dwelling-house or building is situate, a copy of such representation, complaint, information, or closing order, and shall from time to time report to the council such particulars as the council require respecting any proceedings taken by the authority with reference to such representation, complaint, information, or dwelling-house.

(2) Where the county council—

(a) are of opinion that proceedings for a closing order as respects any dwelling-house ought to be instituted, or that an order ought to be made for the demolition of any buildings forming or forming part of any dwelling-house as to which a closing order has been made, or that an order ought to be made for pulling down an obstructive building specified in any representation under this part of this Act; and

(b) after reasonable notice, not being less than one month, of such opinion has been given in writing to the district authority, consider that such authority have failed to institute or properly prosecute proceedings, or to make the order for demolition, or to take steps for pulling down an obstructive building;

the council may pass a resolution to that effect, and thereupon the powers of the district authority as respects the said dwelling-house and building under this part of this Act (otherwise than in respect of a scheme), shall be vested in the county council, and if a closing order or an order for demolition or for pulling down an obstructive building is made, and not disallowed on appeal, the expenses of the council incurred as respects the said dwelling-house and building, including any compensation paid, shall be a simple contract debt to the council from the district authority.

(3) Any debt to the council under this section shall be defrayed by the district authority as part of their expenses in the execution of this part of this Act.

(4) The county council and any of their officers shall, for the purposes of this section, have the same right of admission to any premises as any district authority or their officers have for the purpose of the execution of their duties under the enactments relating to public health, and a justice may make the like order for enforcing such admission.

[**Note.**—For powers of Ministry of Health to enforce this Part of this Act, see sections 10 and 11, Act of 1909.]

Special Provisions as to London.

46. This part of this Act shall apply to the administrative county of London with the following modifications:—

(1) The provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates shall,

for the purpose of this part of this Act, extend to the county and to the city of London, and in the construction of the said provisions, as respects the county of London, and local authority in that county, and as respects the city of London the Commissioners of Sewers, shall be deemed to be the urban authority.

(2) The raising of sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which the London County Council or the Commissioners of Sewers of the city of London, may borrow under Part I. of this Act, and a purpose for which a vestry or district board may borrow under the Metropolis Management Act, 1855, and the provisions of Part I. of this Act with respect to borrowing, and sections one hundred and eighty-three to one hundred and ninety-one of the Metropolis Management Act, 1855, shall apply and have effect accordingly.

[**Note.**—See section 13, Act of 1903, section 3, Act of 1909, and section 7 (2), Act of 1919.]

(3) The London County Council may, if they think fit, lend to a local authority in the administrative county of London the sums borrowed in pursuance of this part of this Act.

(4) [Repealed by Statute Law Revision Act, 1908.]

(5) Where it appears to the county council, whether in the exercise of the powers of a vestry or district board or on the representation of a vestry or district board or otherwise, that a scheme under this part of this Act ought to be made, the council may take proceedings for preparing and obtaining the confirmation of a scheme, and the provisions of this Act respecting the scheme shall apply in like manner as if they were the vestry or district board, and all expenses of and incidental to the scheme and carrying the same into effect shall, save as herein-after mentioned, be borne by the county fund.

[**Note.**—See section 14, Act of 1903, as to agreements between London County Council and metropolitan boroughs.]

(6) Where the council consider that such expenses, or a contribution in respect of them, ought to be paid or made by a vestry or district board, they may apply to a Secretary of State, and the Secretary of State, if satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the vestry or district board ought to pay, or make a contribution in respect of, the said expenses, the Secretary of State may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the vestry or district board to the council.

[**Note.**—Payment may be made by way of lump sum or annual amounts—section 33, Act of 1909. For Secretary of State, now read Ministry of Health—see section 2 (1), Act of 1903, and Note thereto.]

(7) The county council may, if they think fit, pay or contribute to the payment of the expenses of carrying into effect a scheme under this part of this Act by a vestry or district board, and if a vestry or district board consider that the expenses of carrying into effect any scheme under this part of this Act, or a contribution in respect of those expenses, ought to be paid or made

by the county council, and the county council decline or fail to agree to pay or make the same, the vestry or district board may apply to a Secretary of State, and if the Secretary of State is satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the council ought to pay or make a contribution in respect of the said expenses, he may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the council to the vestry or district board.

[**Note.**—See Note to clause 6 above.]

(8) In the application of this section to Woolwich, the local board of health shall be deemed to be a district board, but the raising of any sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which they may borrow under the Public Health Acts, and the Public Health Acts shall apply accordingly.

Supplemental.

47.—(1) Where an owner of any dwelling-house is not the person in receipt of the rents and profits thereof, he may give notice of such ownership to the local authority, and thereupon the local authority shall give such owner notice of any proceedings taken by them in pursuance of this part of this Act in relation to such dwelling-house.

(2) If it appears to a court of summary jurisdiction on the application of any owner of the dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made, or the demolition of any building or any dwelling-house or in claiming to retain any site, in pursuance of this part of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the court may make an order empowering the applicant forthwith to enter on the dwelling-house, and within the time fixed by the order to execute the said works, or to demolish the building or to claim to retain the site, as the case may be, and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

(3) [As amended by section 21 and Sixth Schedule, Act of 1909.] A court of summary jurisdiction may in any case by order enlarge the time within which a claim may be made to retain the site of a building.

(4) Before an order is made under this section notice of the application shall be given to the local authority.

[**Note.**—Section 30 of the Act of 1919 enables a superior landlord to apply to the High Courts or Chancery Courts for authority to carry out a reconstruction or improvement scheme.]

48. Nothing in this part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by a local authority under this part of this Act; and if any owner is obliged to take possession of any dwelling-house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance that may have occurred prior to his so taking possession.

49.—(1) Where the owner of any dwelling-house and his residence or place of business are known to the local authority, it shall be the duty of the clerk of the local authority, if the residence or place of business is within the district of such local authority, to serve any notice by this part of this Act required to be served on the owner, by giving it to him, or for him, to some inmate of his residence or place of business within the district; and in any other case it shall be the duty of the clerk of the local authority to serve the notice by post in a registered letter addressed to the owner at his residence or place of business.

(2) Where the owner of the dwelling-house or his residence or place of business is not known to, and after diligent inquiry cannot be found by the local authority, then the clerk of the local authority may serve the notice by leaving it, addressed to the owner, with some occupier of the dwelling-house, or if there be not an occupier, then by causing it to be put up on some conspicuous part of the dwelling-house.

(3) Notice served upon the agent of the owner shall be deemed notice to the owner.

[**Note.**—See, further, section 13 (1), Act of 1903.]

50. Where in any proceedings under this part of this Act it is necessary to refer to the owner of any dwelling-house, it shall be sufficient to designate him as the "owner" thereof without name or further description.

51.—(1) If any person being the occupier of any dwelling-house prevents the owner thereof, or being the owner or occupier of any dwelling-house prevents the medical officer of health, or the officers, agents, servants, or workmen of such owner or officer from carrying into effect with respect to the dwelling-house any of the provisions of this part of this Act, after notice of the intention so to do has been given to such person, any court of summary jurisdiction on proof thereof may order such person to permit to be done on such premises all things requisite for carrying into effect, with respect to such dwelling-house, the provisions of this part of this Act.

(2) If at the expiration of ten days after the service of such order such person fails to comply therewith, he shall for every day during which the failure continues be liable on summary conviction to a fine not exceeding twenty pounds: Provided that if any such failure is by the occupier, the owner, unless assenting thereto, shall not be liable to such fine.

52. A representation from the medical officer of health of any county submitted to the county council and forwarded by that council to the local authority of any district in the county, not being a borough as defined by the Municipal Corporations Act, 1882, shall, for the purposes of this part of this Act, have the like effect as a representation from the medical officer of health of the district.

PART III.

Working Class Lodging Houses.

Adoption of Part III.

53.—(1) The expression "lodging houses for the working classes" when used in this part of this Act shall include separate houses or cottages for the working classes, whether containing one or several

tenements, and the purposes of this part of this Act shall include the provision of such houses and cottages.

(2) [Repealed—now see section 50, Act of 1909.]

54. [Repealed by Sixth Schedule, Act of 1909.]

55. [Repealed by Schedule, Act of 1900, and Sixth Schedule, Act of 1909.]

Execution of Part III. by Local Authority.

56. Where this part of this Act has been adopted in any district, the local authority shall have power to carry it into execution (subject to the provisions of this part of this Act with respect to rural sanitary authorities), and for that purpose may exercise the same powers whether of contract or otherwise as in the execution of their duties in the case of the London County Council under the Metropolis Management Act, 1855, and the Acts amending the same, or in the case of sanitary authorities under the Public Health Acts, or in the case of the Commissioners of Sewers under the Acts conferring powers on such Commissioners.

[**Note.**—Part III. of this Act now takes effect without adoption—see section 1, Act of 1909; and schemes are obligatory under section 1 of the Act of 1919. For powers of the Ministry of Health to enforce schemes or act in default, see sections 3 and 4, Act of 1919, and section 10, Act of 1909. For the application of Part III. to London, now see section 41, Act of 1919.]

57.—(1) [Now see section 2, Act of 1909.]

(2) [Repealed by Fifth Schedule, Act of 1919.]

(3) [As amended by Second Schedule, Act of 1919.] The local authority may, with the consent of the Local Government Board, appropriate, for the purposes of this part of this Act, any lodging houses so [*sic*] purchased or taken on lease, and any other land which may be for the time being vested in them, or at their disposal.

58. The trustees of any lodging houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the lodging houses to the local authority of the district, or make over to them the management thereof.

59. The local authority may, on any land acquired or appropriated by them, erect any buildings suitable for lodging houses for the working classes, and convert any buildings into lodging houses for the working classes, and may alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

60. [Repealed by Fifth Schedule, Act of 1919.]

Management of Lodging Houses.

61.—(1) The general management, regulation, and control of the lodging houses established or acquired by a local authority under this part of this Act shall be vested in and exercised by the local authority.

(2) The local authority may make such reasonable charges for the tenancy or occupation of the lodging houses provided under this part of this Act as they may determine by regulations.

62.—(1) The local authority may make by-laws for the management, use, and regulation of the lodging houses, and it shall be obligatory on the local authority, except in the case of a lodging house which is occupied as a separate dwelling, by such by-laws to make sufficient provision for the several purposes expressed in the Sixth Schedule to this Act.

(2) A printed copy or sufficient abstract of the by-laws relating to the management, use, and regulation of the lodging houses shall be put up and at all times kept in every room therein.

[**Note.**—For fuller provision as to by-laws, now see section 25, Act of 1919.]

63. [Repealed by Sixth Schedule, Act of 1909.]

64. [Repealed by Fifth Schedule, Act of 1919.]

Expenses and Borrowing of Local Authorities.

65. All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed—

(i.) in the case of an authority in the administrative county of London, out of the Dwelling House Improvement Fund under Part I. of this Act;

(ii.) in the case of an urban sanitary authority, as part of the general expenses of their execution of the Public Health Acts. [Remainder of section, dealing with expenses of a rural sanitary authority, repealed by Sixth Schedule, Act of 1909. Now see section 31, Act of 1909.]

66. [As amended by Sixth Schedule, Act of 1909.] The London County Council and the Commissioners of Sewers may borrow for the purpose of the execution of this part of this Act, in like manner and subject to the like conditions as they may borrow for the purposes of Part I. of this Act, and a sanitary authority may borrow for the purpose of the execution of this part of this Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general expenses.

[**Note.**—Now see section 3, Act of 1900; sections 1 and 15, Act of 1903; section 3, Act of 1909; and section 7 (2), Act of 1919.]

Loans to and Powers of Companies, Societies, and Individuals.

67.—(1) In addition to the powers conferred upon them by any other enactment, the Public Works Loan Commissioners may, out of the funds at their disposal, advance on loan to any such body or proprietor as herein-after mentioned; namely,—

(a) any railway company or dock or harbour company, or any other company, society, or association established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes, or for trading or manufacturing purposes (in the course of whose business, or in the discharge of whose duties persons of the working classes are employed);

[**Note.**—For loans to public utility societies, see section 20, Act of 1919.]

(b) any private person entitled to any land for an estate in fee

simple, or for any term of years absolute, whereof not less than fifty years shall for the time being remain unexpired;

[**Note.**—For fuller provision for loans to private persons by Public Works Loan Commissioners, see section 21, Act of 1919.]

and any such body or proprietor may borrow from the Public Works Loan Commissioners such money as may be required for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes.

(2) Such loans shall be made in manner provided by the Public Works Loans Act, 1875, subject to the following provisions:—

(a) Any such advance may be made whether the body or proprietor receiving the same has or has not power to borrow on mortgage or otherwise, independently of this Act; but nothing in this Act shall repeal or alter any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(b) The period for the repayment of the sums advanced shall not exceed forty years.

(c) No money shall be advanced on mortgage of any land or dwellings solely, unless the estate therein proposed to be mortgaged shall be either an estate in fee simple, or an estate for a term of years absolute, whereof not less than fifty years shall be unexpired at the date of the advance.

(d) The money advanced on the security of a mortgage of any land or dwellings solely shall not exceed one moiety of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in such land or dwellings proposed to be mortgaged; but advances may be made by instalments from time to time as the building of the dwellings on the land mortgaged progresses, so that the total advances do not at any time exceed the amount aforesaid; and a mortgage may be accordingly made to secure such advances so to be made from time to time.

[**Note.**—For "moiety" in the above clause, section 4 (1), Act of 1909, substituted "two-thirds" in case of a public utility society. For a period to be specified by the Ministry of Health, the proportion may be 75 per cent. under section 20 (2) (c), Act of 1919; and for two years after the passing of the Act of 1919 it may also be 75 per cent. to a private individual under section 20 of that Act.]

(3) For the purpose of constructing or improving or facilitating or encouraging the construction or improvement of dwellings for the working classes, every such body as aforesaid is hereby authorised to purchase, take, and hold land, and if not already a body corporate shall, for the purpose of holding such land under this part of this Act, and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

68. Any railway company, or dock or harbour company or any other company, society, or association, established for trading or manufacturing purposes in the course of whose business or in the discharge of whose duties persons of the working class are employed, may and are hereby (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) authorised at any time to erect,

either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose, and to pay for out of any funds at their disposal), dwellings for the accommodation of all or any of the persons of the working class employed by them.

[**Note.**—If any such company, society, or association acquires land under statutory power, it is compelled by section 3, Act of 1903, to re-house persons of the working classes dispossessed thereby.]

69. Any commissioners of waterworks, trustees of waterworks, water companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for lodging houses provided under this part of this Act, either without charge or on such other favourable terms as they think fit.

70. A lodging house established in any district under this part of this Act, shall be at all times open to the inspection of the local authority of that district or of any officer from time to time authorised by such authority.

71. Any fine for the breach of any by-law under this part of this Act shall be paid to the credit of the funds out of which the expenses of this part of this Act are defrayed.

PART IV.

Supplemental.

72. Where an official representation made to the London County Council in pursuance of Part I. of this Act relates to not more than ten houses, the London County Council shall not take any proceedings on such representation, but shall direct the medical officer of health making the same to represent the case to the local authority under Part II. of this Act, and it shall be the duty of the local authority to deal with such case in manner provided by that part of this Act.

73.—(1) In either of the following cases:—

(a) Where a medical officer of health has represented to any local authority in the county of London under Part II. of this Act that any dwelling-houses are in a condition so dangerous or injurious to health, as to be unfit for human habitation, or that the pulling down of any obstructive buildings would be expedient, and such authority resolve that the case of such dwelling-houses or buildings is of such general importance to the county of London that it should be dealt with by a scheme under Part I. of this Act; or

(b) Where an official representation as mentioned in Part I. of this Act has been made to the London County Council in relation to any houses, courts, or alleys within a certain area, and that council resolve that the case of such houses, courts, or alleys is not of general importance to the county of London and should be dealt with under Part II. of this Act;

such local authority or council may submit such resolution to a Secretary of State, and thereupon the Secretary of State may appoint an arbitrator, and direct him to hold a local inquiry, and such arbitrator shall hold such inquiry, and report to the Secretary of State as to

whether, having regard to the size of the area, to the number of houses to be dealt with, to the position, structure, and sanitary condition of such houses, and of the neighbourhood thereof, and to the provisions of Part I. of this Act, the case is either wholly or partially of any and what importance to the county of London, with power to such arbitrator to report that in the event of the case being dealt with under Part II. of this Act, the London County Council ought to make a contribution in respect of the expenses of dealing with the case.

(2) The Secretary of State, after considering the report of the arbitrator, may, according as to him seems just, decide that the case shall be dealt with either under Part II. of this Act, or under Part I. of this Act, and the medical officer of health or other proper officer shall forthwith make the representation necessary for proceedings in accordance with such decision.

[**Note.**—For Secretary of State now read Ministry of Health—see section 1, Act of 1903, and Note thereto.]

74.—(1) The Settled Land Act, 1882, shall be amended as follows:—

(a) Any sale, exchange, or lease of land in pursuance of the said Act, when made for the purpose of the erection on such land of dwellings for the working classes, may be made at such price, or for such consideration, or for such rent, as having regard to the said purpose, and to all the circumstances of the case, is the best that can be reasonably obtained, notwithstanding that a higher price, consideration or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

(b) [Repealed—see section 7, Act of 1909, and section 31, Act of 1919.]

(2) Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of dwellings for the working classes at such price, or for such consideration, or for such rent as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

75. In any contract made after the fourteenth day of August, one thousand eight hundred and eighty-five, for letting for habitation by persons of the working classes a house or part of a house, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation. In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding in England the sum named as the limit for the composition of rates by section three of the Poor Rate Assessment and Collection Act, 1869, and in Scotland or Ireland four pounds.

[**Note.**—Further provisions are contained in section 12, Act of 1903, sections 14 and 15, Act of 1909, and section 28, Act of 1919. The limits named by section 3 of the Poor Rate Assessment and Collection Act, 1869, are as follows:—£20 in the Metropolis, £13 Liverpool, £10 Manchester and Birmingham, and £8 elsewhere.]

76.—(1) The London County Council may, with the consent of a Secretary of State, at any time appoint one or more legally qualified practitioner or practitioners, with such remuneration as they think fit, for the purpose of carrying into effect any part of this Act.

(2) Any medical officer of health appointed by the London County Council, and any officer appointed under this section by the London County Council, shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

77. [Repealed—Sixth Schedule, Act of 1909.]

78. Where a building or any part of a building purchased by the local authority in pursuance of a scheme under Part I. or Part II. of this Act is not closed by a closing order, and is occupied by any tenant whose contract of tenancy is for less than a year, the local authority, if they require him to give up possession of such building or part for the purpose of pulling down the building, may make to the said tenant a reasonable allowance on account of his expenses in removing.

[**Note.**—Now see section 17 (5), Act of 1909.]

79.—(1) Anything which under Part I. or Part II. of this Act is authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officer of health.

(2) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

80.—(1) Separate accounts shall be kept by the local authority and their officers of their receipts and expenditure under each part of this Act.

(2) Such accounts shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of the local authority are for the time being required to be audited by law.

[**Note.**—For accounts in case of land acquired under Part III. but used for re-housing persons displaced under Parts I. or II., see section 4 of the Act of 1900.]

81. [As amended. Second Schedule, Act of 1919.] For the purposes of this Act, a local authority acting under this Act may appoint out of their own number so many persons as they may think fit, for any purposes of this Act which in the opinion of such authority would be better regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

82. Where a local authority sell any land acquired by them for any of the purposes of this Act, the proceeds of the sale shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

83. [Repealed by Sixth Schedule, Act of 1909.]

84. With respect to by-laws authorised by this Act to be made—

(a) sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, where such by-laws are made by the London County Council, or any nuisance authority in the administrative county of London; and

(b) the provisions of the Public Health Act, 1875, relating to by-laws, where such by-laws are made by a sanitary authority,

shall apply to such by-laws, and a fine or penalty under any such by-law may be recovered on summary conviction.

85.—(1) [As amended by Second and Sixth Schedule, 1909.] For the purposes of the execution of their [**powers and**] duties under this Act the Local Government Board may cause such local inquiries to be held as the Board see fit, and the costs incurred in relation to any such local inquiry, and to any local inquiry which any other confirming authority holds or causes to be held, including the salary or remuneration of any inspector or officer of or person employed by the Board or confirming authority engaged in the inquiry, shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board or confirming authority may direct, and that Board or authority may certify the amount of the costs incurred, and any sum so certified and directed by that Board or authority to be paid by any local authority or person shall be a debt to the Crown from such local authority or person.

(2) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Local Government Board or any local inquiry which that Board cause to be held in pursuance of any part of this Act.

86.—(1) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy.

(2) A notice, demand, or other written document proceeding from the local authority under this Act shall be signed by their clerk or his lawful deputy.

87. Any notice, summons, writ, or other proceeding at law or otherwise required to be served on a local authority in relation to carrying into effect the objects or purposes of this Act, or any of them, may be served upon that authority by delivering the same to their clerk, or leaving the same at his office with some person employed there.

[**Note.**—A document is sufficiently served if addressed to the authority or their clerk at the office of the authority and sent by post in a registered letter—section 13 (2), Act of 1903.]

88.—(1) [As amended by Second Schedule, Act of 1909.] A person shall not vote as member of a local authority or county council or any committee thereof upon any resolution or question which is proposed or arises in pursuance of Part I. or Part II. [**or Part III.**] of this Act, if it relates to any dwelling-house, building, or land in which he is beneficially interested.

(2) If any person votes in contravention of this section he shall, on summary conviction, be liable for each offence to a fine not exceeding fifty pounds; but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority or county council.

89. [As amended by Second Schedule, Act of 1909.] Where any person obstructs the medical officer of health, or any officer of the local authority, or of the confirming authority mentioned in Part I. of this Act, [**or any person authorised to enter dwelling-houses, premises, or**

buildings, in pursuance of this Act], in the performance of anything which such officer, authority, [**or person**] is by this Act required or **authorised to do,** [**he**] shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

90. Offences under this Act punishable on summary conviction may be prosecuted and fines recovered in manner provided by the Summary Jurisdiction Acts.

91. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed:

Provided that a local authority shall not, by reason of any local Act relating to a place within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under any part of this Act.

92. In this Act, unless the context otherwise requires, "district," "local authority," and "local rate," mean respectively the areas, bodies of persons, and rates specified in the table contained in the First Schedule to this Act. [Remainder of section repealed by Sixth Schedule Act of 1909.]

93. In this Act, unless the context otherwise requires—

The expression "land" includes any right over land:

The expression "sanitary district" means the district of a sanitary authority:

The expression "sanitary authority" means an urban sanitary authority or a rural sanitary authority:

The expressions "urban sanitary authority" and "rural sanitary authority" and "contributory place" have respectively the same meanings as in the Public Health Act, 1875:

The expression "superior court" means the Supreme Court:

The expression "county of London," except where specified to be the administrative county of London, means the county of London exclusive of the city of London.

PART V.

Application of Act to Scotland.

PART VI.

Application of Act to Ireland.

PART VII.

Repeal and Temporary Provisions.

SCHEDULES.

FIRST SCHEDULE.

England and Wales.

District.	Local Authority.	Local Rate.
Throughout Act.		
Urban sanitary district -	The urban sanitary authority.	The rate out of which the general expenses of the execution of the Public Health Acts are defrayed.
The City of London -	The **Common Council.** [See Second Schedule, 1919 Act.]	The **General Rate.**
(1) For the purpose of Parts I. and III.		
The County of London -	The County Council of London.	The county fund and the amount payable shall be deemed to be required for special county purposes.
(2) For the purposes of Part II.		
A parish other than the parish of Woolwich mentioned in Schedule A. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act. 1887.	The Vestry elected under the Metropolis Management Act, 1855.	The general rate leviable by such vestry or board under the Metropolis Management Act. 1855.
A district mentioned in Schedule B. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887.	The Board of Works for the district elected under the Metropolis Management Act. 1855.	
Parish of Woolwich	The local board of health.	The district fund and general district rate.

(3) For the purposes of Parts II. and III.

Rural sanitary district	The rural sanitary authority.	The rate out of which the "general" or "special" expenses, as the case may be, of the execution of the Public Health Acts are defrayed.

Scotland.

Ireland.

In any case in the United Kingdom where an urban sanitary authority does not levy a borough rate or any general district rate, but is empowered by a local Act or Acts to borrow money and to levy a rate or rates throughout the whole of their district for purposes similar to those or to some of those for which a general district rate is leviable, it shall be lawful for such sanitary authority to defray the expenses incurred in the execution of Part III. of this Act by means of money to be borrowed, and a rate or rates to be levied, under such Local Act or Acts.

SECOND SCHEDULE.

[As amended by the Second Schedule, Act of 1919.]

Provisions with respect to the Purchase and taking of Lands in England otherwise than by Agreement, and otherwise amending the Lands Clauses Acts.

Deposit of Maps and Plans.

(1) The local authority shall **before making an application for the appointment of an arbitrator, as hereinafter mentioned,** cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily (which lands are herein-after referred to as the scheduled lands), together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers, **except tenants for a month or a less period than a month.**

(2) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

Appointment of Arbitrator.

(4) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority, and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same is not made the subject of agreement.

Proceedings on Arbitration.

(5) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say:—

"I, A.B., do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Housing of the Working Classes Act, 1890. A.B.

"Made and subscribed in the presence of ."
And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration wilfully act contrary thereto, he shall be guilty of a misdemeanor.

(6) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office. **Before applying to the arbitrator to determine the compensation in respect of any particular lands or interest therein, the local authority shall send a notice of their intention to the owners or reputed owners, lessees or reputed lessees, so far as they can be reasonably ascertained.**

(7) In every case in which compensation is payable under Part I. of this Act, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as "a disputed case"), the arbitrator, after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in Part I. of this Act mentioned, shall proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

(8) The arbitrator shall give notice to the claimants in disputed cases of a time and place at which the difference between the claimants and the local authority will be decided by the arbitrator.

(9) After the arbitrator has arrived at a decision on all the disputed cases brought before him he shall make an award under his hand and seal, and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form, but the arbitrator may and, if the local authority request him so to do, shall from time to time make an award respecting a portion only of the disputed cases brought before him.

(10) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority. **The title in the case of a person claiming a fee simple interest in any lands included in any such award as aforesaid shall commence twenty years previous to the date of the claim except there has been an absolute conveyance on sale within twenty years and more than ten years previous to the claim when the title shall commence with such conveyance: Provided that the local authority shall not be prevented if they think fit from requiring at their own expense any further abstract or evidence of title respecting any lands included in any such award as aforesaid in addition to the title herein-before mentioned.**

Special Powers of Arbitration.

(11) The arbitrator shall have the same power of apportioning any rent-service rentcharge, chief or other rent, payment, or incumbrance, or any rent payable in respect of lands comprised in a lease, as two justice have under the Lands Clauses Consolidation Act, 1845 [42 & 43 Vict. c. 63, Sch. (2)].

(12) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18; 42 & 43 Vict. c. 63, Schedule (3)], the arbitrator may determine that such part of any house, building, or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building, or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority such part, without the local authority being obliged to purchase the greater part or the whole of such house, building, or manufactory.

The local authority, or any person interested, if dissatisfied with a determination under this enactment, may, in manner provided with respect to appeals to

a jury in respect of compensation for land by this schedule, submit the question of whether the said part can be taken without material damage, as well as the question of the proper amount of compensation, to a jury; and the notice of intention to appeal shall be given within the same time as notice of intention to appeal against the amount of compensation awarded is required to be given.

(13) The amount of purchase money or compensation to be paid in pursuance of section one hundred and twenty-four of the Lands Clauses Consolidation Act, 1845 [42 & 43 Vict. c. 63, Sch. (4)], in respect of any estate, right, or interest in or charge affecting any of the scheduled lands which the local authority have through mistake or inadvertence failed or omitted duly to purchase or make compensation for, shall be awarded by the arbitrator and be paid, in like manner, as near as may be, as the same would have been awarded and paid if the claim of such estate, right, interest, or charge had been delivered to the arbitrator before the day fixed for the delivery of statements of claims.

If the arbitrator is satisfied that the failure or omission to purchase the said estate, right, interest, or charge, arose from any default on the part either of the claimant or of the local authority, he may direct the costs to be paid by the party so in default.

Payment of Purchase Money.

[Arts. 14-24. See 38 & 39 Vict. c. 36, Sch.]

(14) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15) Every such certificate shall be prepared by and at the cost of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in the High Court, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the cost of the local authority.

(20) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the person making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, "with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(21) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of Part I. of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22) [Repealed.]

(23) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the cost and charge of the local authority, be enforced by any party or parties, by application to the High Court, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

Entry on Lands on making Deposit.

(24) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority: and the arbitrator shall, upon the request of the local authority at any time after he has framed such award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such award before they enter

upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under Part I. of this Act, shall be had, and payments made, as if such entry and deposit had not been made:

Provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of Part I. of this Act, such compensation is required to be paid into the Bank of England, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the bank in similar cases, or to such account as may be directed by any order of the High Court, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the ward of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank annuities or Government securities, and accumulated: and upon such payment as aforesaid by the local authority it shall be lawful for the High Court, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

(26) & (27) [Repealed.]

Costs of Arbitration.

[See 45 & 46 Vict. c. 54 Sch. (H).]

(28) The salary or remuneration, travelling, and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of Part I. of this Act into execution, shall, after the amount thereof shall have been certified under this article, be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown and shall be recoverable accordingly.

Further, any such certificate may be made a rule of a superior court on the application of any party named therein, and may be enforced accordingly.

(29).—(1) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to

certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority:

Provided that—

(a) The arbitrator shall not be required to certify the amount of costs in any case where he considers such costs are not properly payable by the local authority [see 45 & 46 Vict. c. 54];

(b) The arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration, in any case where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.

(c) No certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of the claim **not less than 14 days before the date of the arbitration in that particular case.**

(2) If within seven days after demand the amount certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.

Miscellaneous.

(30) The arbitrator may call for the production of any documents **other than any formal offer made by the local authority** in the possession or power of the local authority, or of any party making any claim under the provisions of Part I. of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under Part I. of this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31) If any arbitrator appointed in pursuance of Part I. of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the London Gazette.

(32) All notices required by this schedule to be published shall be published in a newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by Part I. of this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

Application of Schedule to Scotland and Ireland.

–[Third, Fourth, and Fifth Schedules repealed by Sixth Schedule, Act of 1909.]

SIXTH SCHEDULE.

By-laws to be made in all Cases (except where a Lodging-house is used as a separate Dwelling.

For securing that the lodging-houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority.

For securing the due separation at night of men and boys above eight years old from women and girls.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances.

For determining the duties of the officers, servants, and others appointed by the local authority.

[Seventh Schedule repealed by Statute Law Revision Act, 1908.]

THE HOUSING (ASSISTED SCHEME) REGULATIONS, 1919.

TO THE COUNCILS of the several Administrative Counties in England and Wales;—

TO THE MAYOR, ALDERMEN, AND COMMONS of the City of London, in Common Council assembled;—

TO THE COUNCILS of the several Metropolitan Boroughs, Municipal Boroughs and other Urban Districts in England and Wales;—

TO THE COUNCILS of the several Rural Districts in England and Wales;—

And to all others whom it may concern.

WHEREAS by sub-section (1) of Section 7 of the Housing, Town Planning, &c. Act, 1919, it is enacted that if it appears to the Local Government Board that the carrying out by a local authority, or by a county council to whom the powers of a local authority have been transferred under that Act, of any scheme approved under Section 1 of that Act or the carrying out of a re-housing scheme in connection with a scheme made under Part I. or Part II. of the Housing of the Working Classes Act, 1890, including the acquisition, clearance and development of land included in the last-mentioned scheme and whether the re-housing will be effected on the area included in that scheme or elsewhere, has resulted or is likely to result in a loss, the Board shall, if the scheme is carried out within such period after the passing of that Act as may be specified by the Board with the consent of the Treasury, pay or undertake to pay to the local authority or county council, out of moneys provided by Parliament, such part of the loss as may be determined to be so payable under regulations made by the Board with the approval of the Treasury, subject to such conditions as may be prescribed by those regulations;

And whereas by sub-section (2) of the said Section 7 it is enacted that such regulations shall provide that the amount of any annual payment to be made under the Section shall, in the case of a scheme carried out by a local authority, be determined on the basis of the estimated annual loss resulting from the carrying out of any scheme or schemes to which the Section applies, subject to the deduction therefrom of a sum not exceeding the estimated annual produce of a rate of one penny in the pound levied in the area chargeable with the expenses of such scheme or schemes.

NOW THEREFORE, the Minister of Health, in pursuance of his powers under the recited enactments and under any other Statutes in that behalf, hereby makes the following Regulations:—

Article I.—In these Regulations, unless the contrary intention appears:—

(*a*) The expression "the Minister" means the Minister of Health;

(*b*) The expression "Local Authority" means any Local Authority referred to in Section 7 of the Housing, Town Planning, &c.

Act, 1919, and includes a County Council to whom the powers of a Local Authority have been transferred under that Act;

(*c*) The expression "the Housing Acts" means the Housing Acts, 1890 to 1919;

(*d*) The expression "the Act of 1890" means the Housing of the Working Classes Act, 1890.

(*e*) The expression "the Act of 1919" means the Housing, Town Planning, &c. Act, 1919;

(*f*) The expression "rate" means the rate out of which the expenses of the execution of Part III. of the Act of 1890 are defrayed;

(*g*) The expression "the produce of a rate of one penny in the pound" means the amount certified as such by the District Auditor in accordance with the Rules set out in Schedule A to these Regulations.

ARTICLE II.—For the purposes of these Regulations—

(1) The schemes towards the losses on which the Minister is liable to contribute under Section 7 of the Act of 1919, out of moneys provided by Parliament, shall include:—

(*a*) Any scheme under Section 1 of the Act of 1919, including any proposals to which sub-section (8) of that Section applies; and

(*b*) Any re-housing scheme in connection with a scheme under Part I. or Part II. of the Act of 1890, including the acquisition, clearance, and development of land included in the last-mentioned scheme, and whether the re-housing will be effected on the area included in that scheme or elsewhere;

in so far (in each case) as the scheme is approved by the Minister; and all such schemes which relate exclusively to the area of any one Local Authority shall be regarded together as one scheme, and if a payment may be made as herein provided in respect thereof, are herein-after together referred to as an "assisted scheme":

Provided that no such payment shall be made, except as provided in Article VII. of these Regulations:—

(i) In the case of a scheme under Section 1 of the Act of 1919, unless the Minister is satisfied that reasonable progress has been made with the carrying into effect of the scheme within twelve months from the passing of the Act of 1919;

(ii) In the case of a scheme under Part I. or Part II. of the Act of 1890, unless the Minister is satisfied that reasonable progress has been made with the carrying into effect of the scheme within two years from the passing of the Act of 1919, or such further period as the Minister may allow;

(iii) In respect of any scheme or part of a scheme not carried into effect before the expiry of a period of three years from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme;

(iv) In respect of the cost of acquiring or clearing a site under Part I. or Part II. of the Act of 1890 where the site has been acquired or cleared (as the case may be) before the 6th day of February, 1919; or

(v) In respect of any scheme made or carried into effect by the

Minister or the County Council in default of the Local Authority, unless the Minister otherwise directs.

Provided also that if part only of a scheme has been carried into effect within the period allowed under paragraph (iii) of the foregoing proviso, that part of the scheme may, with the approval of the Minister and subject to the provisions of these Regulations, be regarded as the assisted scheme.

(2) A scheme or part of a scheme shall be deemed to have been carried into effect when all the houses to be provided or acquired thereunder are let or available for letting, and also, in the case of a scheme under Part I. or Part II. of the Act of 1890, when the site or area affected has been cleared to the satisfaction of the Minister.

ARTICLE III.—(1) The Local Authority shall for the purposes of an assisted scheme, or a scheme which, in the opinion of the Minister, is likely to become an assisted scheme, keep separate accounts to be called "The Housing (Assisted Scheme) Accounts," including a separate revenue account to be called "The Housing (Assisted Scheme) Revenue Account."

(2) They shall cause to be credited to the Housing (Assisted Scheme) Revenue Account in each financial year :—

(*a*) the produce of a rate of one penny in the pound levied in the area chargeable with the expenses of the assisted scheme, or such less amount as may be necessary to meet the deficit for the financial year;

(*b*) the rents (inclusive of rates where rates are payable by the owner) in respect of any houses provided or acquired by them under the assisted scheme; and

(*c*) any other income which in the opinion of the Minister may properly be credited to the said account.

(3) They shall cause to be debited to the Housing (Assisted Scheme) Revenue Account in each financial year :—

(*a*) the sums required for interest and repayment of principal in respect of all moneys borrowed by them for the purposes of the assisted scheme which in the opinion of the Minister may properly be debited to the said account;

(*b*) the rates, taxes, rents or other charges payable by them in respect of any land or houses acquired leased or provided by them under the assisted scheme;

(*c*) the annual premium payable by them in respect of the insurance against fire of any houses acquired or provided by them for the purposes of the assisted scheme;

(*d*) the expenditure incurred in respect of supervision and management of the houses acquired or provided by them under the assisted scheme;

(*e*) the expenditure incurred by them in and about the repair or maintenance of any property acquired or provided by them for the purposes of the assisted scheme, whether such expenditure is incurred by way of a fixed annual contribution to a repairs fund or otherwise; and

(*f*) any other expenses which in the opinion of the Minister may properly be debited to the said account.

(4) Any deficit shown by the said account at the conclusion of each financial year, in so far as that deficit is not covered by the payment

to be made by the Minister to the Local Authority as hereinafter provided, shall be defrayed by the Local Authority in the manner in which the expenses of the execution of the Act of 1890 are defrayed.

(5) (*a*) In the case of the Council of a Borough whose accounts under the Housing Acts are not otherwise subject to audit by the District Auditor, the Housing (Assisted Scheme) Accounts shall be made up and shall be audited by the District Auditor in like manner, and subject to the same provisions, as the accounts of an Urban District Council, and for this purpose the enactments relating to the audit by District Auditors of those accounts, and to all matters incidental thereto and consequential thereon, shall apply, so far as necessary, in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit.

(*b*) In every case as soon as practicable after the conclusion of each financial year the Local Authority shall forward to the Minister a copy of the Housing (Assisted Scheme) Revenue Account, certified by the District Auditor.

Article IV.—Except with the approval of the Minister, the Local Authority shall not borrow moneys for the purposes of an assisted scheme, or a scheme which, in the opinion of the Minister is likely to become an assisted scheme, at a higher rate of interest than that fixed for the time being in the case of loans by the Public Works Loan Commissioners to Local Authorities for the purposes of assisted schemes.

Article V.—(1) Subject to the provisions of these Regulations the Local Authority shall :—

(*a*) as soon as possible after the scheme has been carried into effect submit to the Minister an estimate of their average annual income and expenditure, for the purposes of the assisted scheme, for the ensuing financial years up to and including that ending the 31st day of March, 1927; and

(*b*) at the conclusion of the financial year ending the 31st day of March, 1927, submit to the Minister a revised estimate of such income and expenditure for the ensuing financial years.

(2) The estimate or revised estimate submitted to the Minister in pursuance of sub-division (1) of this Article shall in each case be accompanied by an estimate of the annual produce of a rate of one penny in the pound herein-before referred to, and in the framing of such estimate regard shall be had to the produce of a rate of one penny in the pound during the last financial year before the date of such estimate, and to any probable increase or decrease of the assessable value of the district of the Local Authority during the period to which the estimate relates.

(3) For the purposes of sub-division (1) of this Article :—

(i) Except where the Minister, having regard to circumstances of an exceptional character, otherwise allows :—

(*a*) the annual deduction in respect of unoccupied houses and uncollected rents shall not be estimated at a higher figure than five per centum of the gross estimated rent; and

(*b*) the average annual cost of repairs shall not be estimated at a higher figure than fifteen per centum of the gross estimated rent or at a higher figure than it is proposed to credit annually to a repairs fund; and

(*c*) the average annual cost of supervision and management shall not be estimated at a higher figure than five per centum of the gross estimated rent.

(ii) Where the Local Authority apply any capital moneys, including any accumulated funds, belonging to them for defraying any expenditure incurred by them for purposes of an assisted scheme for which the Local Authority are authorised to borrow moneys, the rate of interest on the capital moneys or funds so applied shall be calculated as follows :—

(*a*) where moneys have been borrowed by the Local Authority for the purposes of the assisted scheme from sources other than moneys or funds belonging to the Local Authority, the rate of interest shall be the same as that payable on the moneys last previously so borrowed ;

(*b*) where no moneys have been borrowed by the Local Authority as aforesaid the rate of interest shall be the same as that in force for the time being for loans for assisted schemes advanced by the Public Works Loan Commissioners.

(4) For the purposes of sub-division (3) of this Article the gross estimated rent shall be deemed to be the total amount of the rents, rates and water charges payable in respect of the houses included in the assisted scheme less the total amount of the rates and water charges payable in respect of the said houses during the financial year.

ARTICLE VI.—(1) Subject to the provisions of these Regulations the amount of the annual payment to be made by the Minister to the Local Authority out of moneys provided by Parliament (herein-after referred to as " the Exchequer subsidy ") shall be determined by the Minister on the basis of the average annual deficit to be incurred by the Local Authority under the assisted scheme, as shown by the estimate or revised estimate (as the case may be) to be submitted by the Local Authority under sub-division (1) of Article V. of these Regulations, and shall be the equivalent of the amount of the said average annual deficit subject to the deduction from the said average annual deficit of the estimated annual produce of a rate of one penny in the pound herein-before referred to.

(2) In determining the amount of the Exchequer subsidy based upon the estimate submitted by the Local Authority the Minister may make such deductions as will represent—

(*a*) an item of estimated expenditure which he considers to be excessive or not properly chargeable to the debit of the assisted scheme ; or

(*b*) any deficiency of estimated income which he considers to be due to the insufficiency of the rents proposed to be charged by the Local Authority ; or,

(*c*) any deficiency of estimated income which he considers to be due to the inadequacy of the arrangements for supervision, management or administration ; or

(*d*) the omission from the estimate of any item of income which he considers should be included therein :

Provided that in any consideration of the sufficiency of the rents proposed to be charged by the Local Authority regard shall be had, so far as possible, to the rules set out in Schedule B to these Regulations :

Provided further that, in the event of any difference arising between the Minister and the Local Authority as to the sufficiency of the rents proposed to be charged by the Local Authority, or to the adequacy of the arrangements for supervision, management, or administration, the question at issue shall be referred for decision to a person agreed on by the Minister and the Local Authority, or, failing such agreement,

appointed by the President of the Surveyors' Institution, and the decision of such person shall be final and conclusive and the amount of the Exchequer subsidy shall (if necessary) be altered accordingly.

(3) The Exchequer subsidy, as determined under this Article on the basis of the estimates to be submitted by the Local Authority, shall be payable in respect of each complete financial year subsequent to the date of the said estimate, and prior to the 1st day of April, 1927, and the Exchequer subsidy as determined under this Article on the basis of the revised estimate shall be payable in respect of each financial year subsequent to the 31st day of March, 1927, during the periods allowed for the repayment of the loans raised by the Local Authority for the purposes of the assisted scheme :

Provided that, when the period allowed for the repayment of any of the loans raised by the Local Authority for the purposes of the assisted scheme has expired, the amount of the Exchequer subsidy shall be reduced by the Minister as far as may be necessary in consequence of such repayment.

(4) The amount of the Exchequer subsidy, when determined under this Article, shall not be varied by the Minister except as expressly provided in these Regulations or except with the concurrence of the Lords Commissioners of His Majesty's Treasury and of the Local Authority.

(5) The Exchequer subsidy shall be payable in two half-yearly instalments, or in such other manner as the Minister may think fit, but the Minister may, if he thinks fit, withhold payment of the whole or part of the Exchequer subsidy until provisions of sub-division (5) (*b*) of Article III. of these Regulations have been complied with.

Article VII.—As regards any expenses incurred by the Local Authority for the purposes of the assisted scheme before the commencement of the first financial year in respect of which the Exchequer subsidy is payable as herein-before provided a payment may be made by the Minister out of moneys provided by Parliament in respect of the financial year during which the expenses were incurred to the amount of the actual deficit as shown by the Housing (Assisted Scheme) Revenue Account at the conclusion of that year :

Provided that the Minister may make such deductions from the amount of the said payment as he may consider to be necessary, having regard to the provisions set out in Article V. (3) and Article VI. (2) of these Regulations.

Article VIII.—The Exchequer subsidy in respect of any financial years shall be varied so far as may be necessary in consequence of any difference between the produce of a rate of one penny in the pound in that year, and the estimate of the produce of the said rate submitted under Article V. of these Regulations.

Article IX.—Where any land or buildings included in an assisted scheme are sold by the Local Authority, and the proceeds of the sale are used for the repayment of any moneys borrowed for the purposes of the assisted scheme, the Minister may make such adjustment of the amount of the Exchequer subsidy as may be necessary in consequence thereof .

Provided that the adjustment shall in no case be such as to increase the contribution to be made by the Local Authority from the rates toward the annual cost of the assisted scheme.

Article X.—These Regulations may be cited as "The Housing (Assisted Scheme) Regulations, 1919," and shall, unless and until revoked

or altered by the Minister, with the approval of the Lords Commissioners of His Majesty's Treasury, apply and have effect with respect to any assisted scheme made by a Local Authority :

Provided that, in any case where one area is affected by two or more assisted schemes, or in any other case where a difficulty arises with regard to the application of these Regulations, the Minister may by Order make any such minor modification of these Regulations as may be necessary in regard to any particular scheme for the purpose of giving effect to the intention of these Regulations, and for the purpose of securing that in the calculation of the total amount of the Exchequer subsidies, or of any payments to be made in pursuance of Article VII. of these Regulations, in any one financial year, under both or all the assisted schemes affecting the said area, there shall not be taken into account, in respect of that area, the produce, or estimated produce, of a rate of more than one penny in the pound.

SCHEDULE A.

RULES TO BE OBSERVED IN THE DETERMINATION OF THE AMOUNT PRODUCED BY A RATE OF ONE PENNY IN THE POUND.

1. The produce of a rate during any financial year shall be the amount actually realised during that year by the collection of that rate, as certified by the District Auditor.

2. For the purposes of the foregoing rule, the amount of the rate or rates collected during the financial year shall be regarded as having been collected in respect of the rate or rates made for that year.

3. The produce of a rate of one penny in the pound shall be that proportion of the produce of a rate which one penny bears to the total amount in the pound of the said rate.

4. Where it is desired to ascertain the amount of the produce of a rate of one penny in the pound levied in any area comprising two or more parts which are differentially rated, the said amounts shall be separately ascertained in respect of each of those parts in accordance with the foregoing rules, and the sum of the amounts so ascertained shall be the produce of a rate of one penny in the pound levied in the said area.

SCHEDULE B*.

RULES WITH REGARD TO THE DETERMINATION OF RENTS.

1. The rents to be charged after the 31st day of March, 1927, should be sufficient to cover (in addition to the expenses of maintenance and management of the houses and a suitable allowance for depreciation) the interest which would have been payable on the capital cost of building the houses if they had been built after that date.

2. The Local Authority in first fixing the rents under an assisted scheme may have regard to the rents obtaining in the locality for houses for the working classes, and to the operation of the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, and any Acts amending or extending that Act; but in that case the Local Authorities should also have regard to :—

(*a*) any increase of rents authorised by any such Acts; and

(*b*) any superiority in the condition or amenity of the houses to be let by them under the assisted scheme or in the accommodation provided therein.

3. If it appears that the rents as first fixed under the assisted scheme will require to be increased before the 31st day of March, 1927, in

order that the intention of these rules may be complied with, such increase should be effected by periodical additions to the rents during the financial years succeeding that in which the rents were first fixed.

Given under the Official Seal of the Minister of Health, this Sixth day of October, in the year One thousand nine hundred and nineteen.

CHRISTOPHER ADDISON,
Minister of Health.

WE approve these Regulations--

J. TOWYN JONES
R. A. SANDERS
Lords Commissioners of His Majesty's Treasury.

[**Note.**—In General Housing Memorandum No. 8, the Ministry of Health say:—"If housing is to be re-established on an economic footing there must be a heavy increase in the rent of houses, and there would appear to be no reason why the rents of houses should permanently be placed in a different category from the prices of other commodities, such as food and clothing, which are necessary to life and health. In framing their financial proposals the Government have been influenced by the urgent necessity of building a sufficient number of houses to relieve the present scarcity and overcrowding. It was never intended that rents should be permanently subsidised. Such a subsidy would be equivalent to a subsidy in aid of wages and would be a measure of injustice to those workers who were not fortunate enough to be tenants of State-aided houses. The intention of the subsidy was first to relieve the local rates in respect of expenditure attributable to the temporary and unavoidable inflation of prices due to war conditions, and secondly to bridge over a difficult transitional period during which economic rents and prices are adjusting themselves to new conditions. The position is complicated by the operation of the Increase of Rent, &c., Acts, and it may be anticipated that when those Acts have ceased to have effect, rents will show an upward tendency until the economic level has been reached. The economic level of rents will depend upon the post-war normal level of prices in the building trade. It would be impossible at the present time to forecast with any degree of assurance what that level will be, but it is necessary, for the purposes of administration, that guiding rules should be laid down The Ministry have therefore provisionally adopted the following assumptions, as guiding rules for the determination of rents:—(1) That a normal level of prices will be reached in 1927; and (2) that the level of prices will then be two-thirds of the present level. These rules are, of course, liable to revision when the trend of prices becomes more clearly defined. What the Ministry ask of Local Authorities is that they should use every endeavour to obtain as early as possible a rent which would give a fair economic return on a capital outlay equivalent to two-thirds of the actual cost at which the houses were built. Since the prevailing rents are considerably below this level, but may be expected to rise as soon as the operation of the Increase of Rent, &c., Acts has been removed, the regulations provide that the Local Authority may, if they so decide, charge initially a rent fixed with regard to the prevailing rents, and raise the rents by instalments until the desired level is attained. If the Local Authority decide to take this course it would be desirable that the tenant should be apprised at the outset that the low rent is a temporary concession due to the present situation. In every case, however, the Local Authority will be required to make such additions to the initial rents as will at least represent—(1) the additions allowed by the Increase of Rent, &c., Acts in the case of existing houses, and (2) the better condition, accommodation, amenity, etc., and the larger gardens now to be provided. The Local Authority will realise that unless rents can be raised to an economic level the burden which will be thrown on the Exchequer will be a matter for grave anxiety. The position must be examined with reference to the conditions obtaining in

each district, and the Ministry do not consider that any difficulty should arise if they are assured of the willing co-operation of the Local Authority with a view to lightening, as far as possible, the burden which must fall on the taxpayer. The regulations provide that in the event of any difference of opinion between the Ministry and the Local Authority, with regard to the sufficiency of the rents to be charged, the question at issue shall be referred to an independent arbitrator for decision."]

THE COUNTY COUNCILS (ASSISTED SCHEMES FOR THE HOUSING OF EMPLOYEES) REGULATIONS, 1919.

TO THE COUNCILS of the several Administrative Counties in England and Wales;—

And to all others whom it may concern.

WHEREAS by sub-section (1) of Section 7 of the Housing, Town Planning, &c. Act, 1919, it is enacted (amongst other things) that if it appears to the Local Government Board that the carrying out of any scheme approved by the Board for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof, has resulted or is likely to result in a loss, the Board shall, if the scheme is carried out within such period after the passing of that Act as may be specified by the Board with the consent of the Treasury, pay or undertake to pay to the county council, out of moneys provided by Parliament, such part of the loss as may be determined to be so payable under regulations made by the Board with the approval of the Treasury, subject to such conditions as may be prescribed by those regulations;

And whereas by sub-section (2) of the said Section 7 it is enacted that such regulations shall provide that the amount of any annual payment to be made under the Section shall, in the case of a scheme for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof, be an amount equivalent to thirty per centum of the annual loan charges as calculated in accordance with the regulations on the total capital expenditure incurred by the county council for the purposes of the scheme:

NOW THEREFORE, the Minister of Health, in pursuance of his powers under the recited enactments and under any other Statutes in that behalf, hereby makes the following Regulations:—

Article I.—In these Regulations, unless the contrary intention appears:—

(*a*) The expressian "the Minister" means the Minister of Health;

(*b*) The expression "the Act of 1919" means the Housing, Town Planning, &c. Act, 1919; and

(*c*) The expression "County Council" includes a statutory committee of a county council, the Lancashire Asylums Board, the West Riding of Yorkshire Asylums Board, and any other body con-

stituted for the purpose of the administration of the Lunacy Acts on behalf of any combination of county councils and county borough councils.

ARTICLE II.—Subject to the provisions of Article III. of these Regulations :—

(1) An annual contribution out of moneys provided by Parliament (herein-after referred to as " the Exchequer subsidy ") shall be made by the Minister towards the cost of carrying out a scheme submitted by a County Council, and approved by the Minister, for the provision of houses for persons in the employment of, or paid by, the County Council.

(2) The Exchequer subsidy shall be an amount equivalent to thirty per cent. of the annual charges, in respect of interest and and repayment of principal, on the aggregate amount of the loans raised by the County Council for the purposes of the approved scheme (including any accumulated funds or other capital moneys belonging to the County Council and used by them for the said purposes) :

Provided that the Minister may reduce the amount of the Exchequer subsidy in any case in which he is satisfied that the capital expenditure incurred by the County Council has been excessive.

(3) The Exchequer subsidy shall be payable in two half-yearly instalments or in such other manner as the Minister may think fit during the periods allowed for the repayment of the loans raised by the County Council for the purposes of the approved Scheme, and shall be reduced by the Minister so far as may be necessary when the period allowed for the repayment of any one of the said loans has expired.

(4) For the purposes of this Article the annual charges on the aggregate amount of the loans raised by the County Council (including such funds or capital moneys as aforesaid) shall be deemed to be the annual charges which would have been payable by way of equal annual instalments of principal with interest combined if those loans had been borrowed from the Public Works Loans Commissioners, on the terms granted for the time being to Local Authorities in the case of schemes to which Section 7 of the Act of 1919 applies.

ARTICLE III.—(1) The Exchequer subsidy shall cease to be payable—

(*a*) in any case in which the Minister is not satisfied that reasonable progress has been made with the carrying into effect of the scheme within twelve months from the passing of the Act of 1919; and

(*b*) in respect of any scheme or part of a scheme not carried into effect before the expiry of a period of three years from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme.

(2) For the purposes of these Regulations a scheme or part of a scheme shall be deemed to have been carried into effect when all the houses to be provided thereunder are let or available for letting.

ARTICLE IV.—These Regulations may be cited as " The County Councils (Assisted Schemes for the Housing of Employees) Regulations,

1919," and shall, unless and until revoked or altered by the Minister, with the approval of the Lords Commissioners of His Majesty's Treasury, apply and have effect with respect to any scheme made by a County Council and approved by the Minister in accordance with these Regulations:

Provided that, in any case where a difficulty arises with regard to the application of these regulations, the Minister may, by Order, make such minor modification of these Regulations as may be necessary, in regard to any particular scheme, for the purpose of giving effect to the intention of these Regulations.

Given under the Official Seal of the Minister of Health, this Sixth day of October, in the year One thousand nine hundred and nineteen.

CHRISTOPHER ADDISON,
Minister of Health.

WE approve these Regulations—

R. A. SANDERS
J. TOWYN JONES
Lords Commissioners of His Majesty's Treasury.

THE PUBLIC UTILITY SOCIETIES (FINANCIAL ASSISTANCE) REGULATIONS, 1919.

TO THE COUNCILS of the several Administrative Counties in ENGLAND and WALES;—

TO THE MAYOR, ALDERMEN, AND COMMONS of the CITY OF LONDON, in Common Council assembled;—

TO THE COUNCILS of the several Metropolitan Boroughs, Municipal Boroughs and other Urban Districts in ENGLAND and WALES;—

TO THE COUNCILS of the several Rural Districts in ENGLAND and WALES;—

TO ALL PUBLIC UTILITY SOCIETIES registered under the Industrial and Provident Societies Acts, 1893 to 1913;—

And to all others whom it may concern.

WHEREAS by sub-section (1) of Section 19 of the Housing, Town Planning, &c. Act, 1919, it is enacted that where a public utility society as defined by that Act has submitted to the Local Government Board a scheme for the provision of houses for the working classes and the scheme is approved by the Board, then, if the scheme is carried out within such period after the passing of that Act as may be specified by the Board, with the consent of the Treasury, the Board may pay or undertake to pay out of moneys provided by Parliament such contributions towards the cost of carrying out the scheme as may be determined to be payable under regulations made by the Board, with the approval of the Treasury, subject to such conditions (including conditions as to audit of accounts by district auditors) as may be prescribed by those regulations;

And whereas by sub-section (2) of the said Section it is enacted that such regulations shall provide that the amount of any annual payment to be made under the Section shall be equivalent to thirty per centum of the annual loan charges which would have been payable in accordance with the regulations on the total capital expenditure incurred by the public utility society for the purposes of the scheme if the amount of that expenditure had been borrowed from the Public Works Loan Commissioners;

And whereas by Section 40 of that Act the expression "public utility society" is defined as follows:—

"The expression 'public utility society' means a society "registered under the Industrial and Provident Societies Acts, 1893 "to 1913, the rules whereof prohibit the payment of any interest "or dividend at a rate exceeding six per cent. per annum".

NOW THEREFORE, the Minister of Health, in pursuance of his powers under the recited enactments and under any other Statutes in that behalf, hereby makes the following Regulations:—

ARTICLE I.—In these Regulations, unless the contrary intention appears:—

(*a*) The expression "the Minister" means the Minister of Health;

(*b*) The expression "the Act of 1919" means the Housing, Town Planning, &c. Act, 1919;

(*c*) The expression "Public Utility Society" has the same meaning as in the Act of 1919;

(*d*) The expression "Local Authority" means the Local Authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890, for the district in which the houses are provided or to be provided by the Public Utility Society.

ARTICLE II.—Subject to the provisions of these Regulations, and provided that these Regulations are complied with:—

(1) An annual contribution out of moneys provided by Parliament (herein-after referred to as "the Exchequer subsidy") shall be made by the Minister towards the cost of carrying out a scheme submitted by a Public Utility Society (herein-after referred to as "the Society") and approved by the Minister;

(2) The Exchequer subsidy shall be an amount equivalent to thirty per cent. of the annual charges, in respect of interest and repayment of principal, on the capital raised by the Society under the approved scheme:

Provided that in the case of the annual charges incurred by the Society before the houses are completed, if the balance of those charges, after deducting the Exchequer subsidy, is defrayed out of borrowed moneys, such moneys shall not, for the purposes of this Article, be included as part of the capital raised by the Society under the approved scheme:

Provided also that the Minister may reduce the amount of the Exchequer subsidy in any case in which he is satisfied that the capital expenditure incurred by the Society has been excessive.

(3) The Exchequer subsidy shall be payable in two half-yearly instalments or in such other manner as the Minister may think fit during the periods allowed for the repayment of the loans raised from the Public Works Loan Commissioners for the purposes of the approved scheme, or, where no loans have been so raised, during the period of 50 years from the date on which the scheme was approved by the Minister, and shall

be reduced by the Minister so far as may be necessary when the period allowed for the repayment of any one of the said loans has expired :

(4) For the purposes of this Article the annual charges on the capital raised by the Society shall be deemed to be the annual charges which would have been payable, by way of equal annual instalments of principal with interest combined, on the like amount of capital if it had been borrowed from the Public Works Loan Commissioners on the terms granted for the time being to Public Utility Societies whether the capital has in fact been borrowed from the Public Works Loan Commissioners or otherwise provided.

ARTICLE III.—(1) The Exchequer subsidy shall cease to be payable—

(*a*) in any case in which the Minister is not satisfied that reasonable progress has been made with the carrying into effect of the scheme within twelve months from the passing of the Act of 1919; and

(*b*) in respect of any scheme or part of a scheme not carried into effect before the expiry of a period of three years from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme.

(2) For the purposes of these Regulations a scheme or part of a scheme shall be deemed to have been carried into effect when all the houses to be provided thereunder are let or available for letting.

ARTICLE IV.—(1) The scheme as submitted for approval, shall be accompanied by detailed plans, specifications, and estimates of the cost of the works, by a balance sheet showing the estimated annual income and expenditure under the scheme and by a copy of the rules or proposed rules of the Society.

(2) The carrying out of the works shall be subject to the supervision of the Minister, exercised either through his own officers or through the Local Authority.

ARTICLE V.—For the purposes of Article II. (2) of these Regulations the sum to be included in the capital raised by the Society under the approved scheme in respect of the professional charges paid or to be paid by the Society, in connection with the building of the houses and the lay-out of the estate under the scheme, shall not exceed 5 per cent. of the gross capital expenditure approved by the Minister.

ARTICLE VI.—The rents to be charged for houses included in the scheme shall be subject to the approval of the Minister, and shall not be altered without the consent of the Minister.

ARTICLE VII.—The Society shall not sell any land or houses included in the approved scheme, except with the consent of the Minister, and subject to Regulations to be made by the Minister, with the concurrence of the Public Works Loan Commissioners.

ARTICLE VIII.—(1) The Society shall keep separate accounts relating to the approved scheme, and those accounts shall be made up and shall be audited by a District Auditor in like manner, and subject to the same provisions, as the accounts of an Urban District Council, and for this purpose the enactments relating to the audit by District Auditors of the last-named accounts and to all matters incidental thereto

and consequential thereon, shall apply to the said accounts of the Society.

(2) So far as may be necessary for the purpose of his duties under sub-division (1) of this Article the District Auditor shall have access to all the books, deeds, documents, and accounts of the Society.

(3) A balance sheet and summary of the accounts relating to the approved scheme for each financial year shall, during the ensuing financial year, be open to inspection by any person at the office of the Society on payment of a fee of one shilling, and a copy of the balance sheet and summary shall be sent to the Local Authority at the conclusion of the financial year to which it relates.

ARTICLE IX.—The Society, in consideration of the payment of the Exchequer subsidy, shall give an undertaking, in a form approved by the Minister, that in the event of the dissolution of the Society before the Exchequer subsidy has ceased to be payable, they will, if required by the Minister, after paying the outstanding charges (if any) in respect of the moneys borrowed by them, and after paying off all shares at par, devote the remainder of the proceeds of the sale of the property, or such part thereof as the Minister may determine, towards the repayment of the Exchequer subsidies.

ARTICLE X.—(1) The rules of the Society and any amendment thereof shall be subject to the approval of the Minister.

(2) The rules of the Society shall, unless the Minister otherwise allows, be so framed as to give effect to the following provisions :—

(i) The objects of the Society shall include the provision, improvement and management of houses for the working classes.

(ii) Every member of the Society shall hold at least one share (of the value at the least of £1) in the Society, and the Board of Management of the Society shall not refuse to admit to membership of the Society any person who has been for three months a tenant of the Society.

(iii) Tenants (*or*, if the Society so determine, tenant members) may elect annually from among themselves a Tenants' (*or* Tenant Members') Committee, and such Committee shall have such rights, powers and duties (in addition to those which are expressly conferred on or vested in them by the Rules of the Society). as the Board of Management of the Society, with the concurrence of such Committee, may determine. Each tenant (*or* tenant member) shall be entitled to one vote at the election of the members of the said Committee.

(iv) The management of the business of the Society shall be vested in a Board of Management, of whose members (as from the date of the first annual general meeting of the Society after the approval of the scheme) at least one quarter shall be tenant members appointed by the Tenants' (or Tenant Members') Committee.

(v) At all general meetings of the Society each fully paid-up share against which there is no set-off in the books of the Society shall carry one vote, and not less than five times that amount of loan stock held by a member shall carry one vote :

Provided that the possession of loan stock apart from membership shall not entitle its holder either to a vote or to attendance at meetings of the Society :

Provided also that a limitation may be imposed on the number of votes which may be recorded at any meeting by any one member.

(vi) Each tenant shall have undisturbed occupancy of his house and garden so long as—

(*a*) he fulfils the tenancy regulations made by the Board of Management; and

(*b*) he pays any rent or debts due from him to the Society; and

(*c*) he and the occupants of his house avoid any conduct detrimental to good neighbourship:

Provided that the tenant shall not be given notice to quit by the Board of Management on the ground of conduct detrimental to good neighbourship except with the concurrence of the Tenants' (*or* Tenant Members') Committee.

(vii) Any profits remaining to the Society after providing for:—

(*a*) the annual charges, in respect of interest and repayment of principal, on the loans and loan stock raised by the Society:

(*b*) the taxes, rates, rents, insurance premiums, or other charges payable by the Society in respect of any land or houses belonging to them;

(*c*) the costs of administration and management and of repairs of property;

(*d*) such allocations to a Reserve Fund as may be determined by the Board of Management;

(*e*) any other necessary expenses incurred by the Board of Management; and

(*f*) a dividend not exceeding the rate authorised by the statutes in force, on the share capital of the Society;

shall be applied, in such manner as may be determined by the Board of Management, for the benefit of the tenants generally.

ARTICLE XI.—These Regulations may be cited as "The Public Utility Societies (Financial Assistance) Regulations, 1919," and shall, unless and until revoked or altered by the Minister with the approval of the Lords Commissioners of His Majesty's Treasury, apply and have effect with respect to any scheme made by a Public Utility Society and approved by the Minister in accordance with these Regulations:

Provided that in any case where a difficulty arises with regard to the application of these Regulations, the Minister may, by Order, make such minor modification of these Regulations as may be necessary in regard to any particular scheme, for the purpose of giving effect to the intention of these Regulations.

Given under the Official Seal of the Minister of Health, this Sixth day of October, in the year One thousand nine hundred and nineteen.

CHRISTOPHER ADDISON,
Minister of Health.

WE approve these Regulations—

J. TOWYN JONES
R. A. SANDERS
Lords Commissioners of His Majesty's Treasury.

ASSISTED SCHEME (PUBLIC UTILITY SOCIETY).

STATEMENT OF ESTIMATED ANNUAL INCOME AND EXPENDITURE to be submitted by a Public Utility Society in respect of each Scheme for which the financial assistance is claimed under the terms of the Housing, Town Planning, &c. Act, 1919.

INSTRUCTIONS.

1. This form should be completed in duplicate and the two copies should be submitted to the Housing Commissioner dealing with the scheme in question at the same time as the provisionally accepted tender for the erection of the houses is submitted.

2. In completing the main statement the following rules should be observed :—

(*a*) The annual deduction in respect of unoccupied houses and uncollected rents should not exceed 5 per cent. of the gross estimated rent;

(*b*) The annual deduction for cost of repairs and maintenance should not exceed 15 per cent. of the gross estimated rent;

(*c*) The annual deduction for cost of supervision and management should not exceed 5 per cent of the gross estimated rent.

The gross estimated rent, where rent is inclusive of rates and water charges, is the estimated inclusive rent, less rates and water charges.

3. The supplementary tables must be completed in all cases in which they are applicable.

4. LOAN CHARGES.—Under this head should be entered the *annual* sums (including principal and interest without deduction of Income Tax) required to repay the estimated amount of the loans on the annuity system. In the case of money to be advanced by the Public Works Loan Commissioners, the period for repayment on which these loan charges should be calculated is 50 years, and the rate of interest should be taken at $5\frac{3}{4}$ per cent. The loan charges for any sum can be obtained from the half-yearly charge for £100, which on the basis of 50 years and $5\frac{3}{4}$ per cent. is £3 1s. 1d.

5. Where a scheme is being proceeded with in sections, only the charges properly attributable to the section in question must be entered.

MAIN STATEMENT.

Scheme No.....

Section of Scheme (1st, 2nd, etc. .....)

P.U.S. .....

Local Authority .....

Estimated Annual Income.	£ s. d.	*Estimated Annual Expenditure.*	£ s. d.
From inclusive rents		Loan Charges on Government loans	
Less allowance for unoccupied houses and uncollected rents		Charges on privately subscribed capital	
Estimated net receipts from rents		Rates	
From other sources (if any) specifying them :—		Taxes	
.....		Insurance	
.....		Water supply	
Estimated State Subsidy		Repairs and maintenance ...	
		Management and collection of rents	
		Balance to reserve	

Date..... Signed .....*Secretary to P.U.S.*

SUPPLEMENTARY TABLES.

A.—Land.

Total area of site..... acres.

Total cost or rent of site (as approved by Ministry) £.....

Area in present section of scheme.....

Apportioned cost (or rent) of present section, £.....

B.—Development.

Total cost of development (*i.e.*, street works, sewers, etc.) as approved by Ministry, £.....

Apportioned cost to present section of scheme, £.....

C.—Buildings.

Total cost of houses in present section, £.....

D.—Capital and Loan Charges.

	Amount.	*Annual Charges.*
Advances required from Public Works Loan Commissioners	.....	.....
Privately subscribed capital	.....	.....
Total cost of present section of scheme	.....	.....

* This must not exceed 75 per cent. of the total cost of the section.

† Give below particulars as to this capital, *i.e.*, amount of share capital, loans, and loan stock, and also particulars as to annual charges, including rate of interest (which must not exceed 6 per cent.), and as to security for loans.

E.—Authorised Capital of Society.

Total amount authorised by Rules ... ... £.....

Amount already borrowed in respect of previous schemes ... ... £.....

F.—Rents and Rates (present section of scheme only.)

Type of House.	Number of each.	Proposed weekly rent per house excluding rates.	Total annual rent from each type.	Cost per house.	Estimated R.V. per house.	Rates in pound.	Total annual rates per type.
Living room, scullery, 2 bedrooms.....	.....	.....	.....	.....	.....	.....	.....
Living room, scullery, 3 bedrooms.....	.....	.....	.....	.....	.....	.....	.....
Parlour, living room, scullery, 2 bedrooms..	.....	.....	.....	.....	.....	.....	.....
Parlour, living room, scullery, 3 bedrooms..	.....	.....	.....	.....	.....	.....	.....
Parlour, living room, scullery, 4 bedrooms.	.....	.....	.....	.....	.....	.....	.....
Tenements in block dwellings..... (*Give particulars of accommodation*)	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
Other types (specify).....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
	Total rent.....		.....		Total rates.....		.....

G.—Water Supply (if not included in F).

Class of House.	Estimated Ass. value for water rate.	Water rate in pound.	Water charge per house.	Number of each.	Total annual charge for water supply per type.
Living room, scullery, 2 bedrooms					
Living room, scullery, 3 bedrooms					
Parlour, living room, scullery, 2 bedrooms					
Parlour, living room, scullery, 3 bedrooms					
Parlour, living room, scullery, 4 bedrooms					
Tenements in block dwellings					
Other types (specify)					
Total water charge					

H.—Estimated State Subsidy.

Total cost of present section of Scheme, £.....

Loan charges on three-fourths of this amount as if borrowed on the annuity system of repayment for a period of 50 years at $5\frac{3}{4}$ per cent., £.....

40 per cent. of these loan charges, £.....

Note—General Housing Memorandum No. 9 (D. 104) deals in Financial Assistance to Public Utility Societies and Housing Trusts, and contains in an appendix model rules for a Public Utility Society. The memorandum can be purchased through any Bookseller, or directly from H.M. Stationery Office, Imperial House, Kingsway, London, W.C.2; 28, Abingdon Street, London, S.W.1; 37, Peter Street, Manchester; and 1, St. Andrew's Crescent, Cardiff.

THE HOUSING TRUSTS (FINANCIAL ASSISTANCE REGULATIONS, 1919.

TO THE COUNCILS of the several Administrative Counties in England and Wales;—

TO THE MAYOR, ALDERMEN, AND COMMONS of the City of London, in Common Council assembled;—

TO THE COUNCILS of the several Metropolitan Boroughs, Municipal Boroughs and other Urban Districts in England and Wales;—

TO THE COUNCILS of the several Rural Districts in England and Wales;—

To the Trustees of all Housing Trusts as herein defined;—

And to all others whom it may concern.

WHEREAS by sub-section (1) of Section 19 of the Housing, Town Planning &c. Act, 1919, it is enacted that where a housing trust as defined by that Act has submitted to the Local Government Board a scheme for the provision of houses for the working classes and the scheme is approved by the Board, then, if the scheme is carried out within such period after the passing of that Act as may be specified by the Board, with the consent of the Treasury, the Board may pay or undertake to pay out of moneys provided by Parliament such contributions towards the cost of carrying out the scheme as may be determined to be payable under regulations made by the Board, with the approval of the Treasury, subject to such conditions (including conditions as to audit of accounts by district auditors) as may be prescribed by those regulations;

And whereas by sub-section (2) of the said Section it is enacted that the regulations shall provide that the amount of any annual payment to made under the Section shall be equivalent to thirty per centum of the annual loan charges which would have been payable in accordance with the regulations on the total capital expenditure incurred

by the housing trust for the purposes of the scheme if the amount of that expenditure had been borrowed from the Public Works Loan Commissioners;

And whereas by Section 40 of that Act the expression "housing trust" is defined as follows:—

"The expression 'housing trust' means a corporation or body "of persons which, by the terms of its constituent instrument, is "required to devote the whole of its funds, including any surplus "which may arise from its operations, to the provision of houses "for persons the majority of whom are in fact members of the "working classes, and to other purposes incidental thereto":

NOW THEREFORE, the Minister of Health, in pursuance of his powers under the recited enactments and under any other Statutes in that behalf, hereby makes the following Regulations:—

ARTICLE I.—In these Regulations, unless the contrary intention appears:—

(*a*) The expression "the Minister" means the Minister of Health;

(*b*) The expression "the Act of 1919" means the Housing, Town Planning, &c. Act, 1919;

(*c*) The expressions "Housing Trust" and Public Utility Society" have the same meaning as in the Act of 1919;

(*d*) The expression "Local Authority" means the Local Authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890, for the district in which the houses are built or to be built by the Housing Trust.

ARTICLE II.—Subject to the provisions of these Regulations, and provided that these Regulations are complied with:—

(1) An annual contribution out of moneys provided by Parliament (herein-after referred to as "the Exchequer subsidy") may be made by the Minister towards the cost of carrying out a scheme submitted by a Housing Trust and approved by the Minister, and the amount of the Exchequer subsidy shall be calculated as herein-after provided.

(2) The amount of the Exchequer subsidy shall be the equivalent of thirty per centum of the annual charges which would have been payable, in respect of interest and repayment of principal, on the capital expended by the Trustees for the purposes of the approved scheme if that capital had been raised by way of a loan advanced by the Public Works Loan Commissioners, on the same terms as those granted for the time being to a Public Utility Society for the like purposes:

Provided that the Minister may reduce the amount of the Exchequer subsidy in any case in which he is satisfied that the capital expenditure incurred by the Trustees has been excessive.

(3) The Exchequer subsidy shall be payable in two half-yearly instalments or in such other manner as the Minister may think fit during the period of fifty years from the date on which the scheme is approved by the Minister, and for the purposes of sub-division (2) of this Article that date shall be the date from which the annual charges therein referred to shall be deemed to become payable.

ARTICLE III.—(1) The Exchequer subsidy shall cease to be payable—

(*a*) in any case in which the Minister is not satisfied that reasonable progress has been made with the carrying into effect of the scheme within twelve months from the passing of the Act of 1919; and

(*b*) in respect of any scheme or part of a scheme not carried into effect before the expiry of a period of three years from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme.

(2) For the purposes of these Regulations a scheme or part of a scheme shall be deemed to have been carried into effect when all the houses to be provided thereunder are let or available for letting

ARTICLE IV.—(1) The scheme as submitted for approval, shall be accompanied by detailed plans, specifications, and estimates of the cost of the works.

(2) The carrying out of the works shall be subject to the supervision of the Minister, exercised either through his own officers or through the Local Authority.

ARTICLE V.—The capital expenditure in respect of which the annual charges referred to in Article II. (2) of these Regulations shall be deemed to be payable shall not include any sum in respect of the professional charges to be paid by the Trustees in excess of five per centum of the gross capital expenditure approved by the Minister.

ARTICLE VI.—The rents to be charged for houses included in the scheme shall be subject to the approval of the Minister, and shall not be altered without the consent of the Minister.

ARTICLE VII.—The Trustees shall not sell any land or houses included in the scheme, except with the consent of, and subject to conditions laid down by the Minister.

ARTICLE VIII.—(1) The Trustees shall keep separate accounts relating to the approved scheme, and those accounts shall be made up and shall be audited by a District Auditor in like manner, and subject to the same provisions, as the accounts of an Urban District Council, and for this purpose the enactments relating to the audit by District Auditors of the last-named accounts and to all matters incidental thereto and consequential thereon, shall apply to the said accounts of the Trustees.

(2) So far as may be necessary for the purpose of his duties under sub-division (1) of this Article the District Auditor shall have access to all the books, deeds, documents, and accounts of the Trustees.

ARTICLE IX.—These Regulations may be cited as "The Housing Trusts (Financial Assistance) Regulations, 1919," and shall, unless and until revoked or altered by the Minister, with the approval of the Lords Comissioners of His Majesty's Treasury, apply and have effect with respect to any scheme made by a Housing Trust and approved by the Minister in accordance with these Regulations:

Provided that, in any case where a difficulty arises with regard to the application of these Regulations, the Minister may by Order, make such minor modification of these Regulations as may be necessary, in regard

to any particular scheme, for the purpose of giving effect to the intention of these Regulations

Given under the Official Seal of the Minister of Health, this Sixth day of October, in the year One thousand nine hundred and nineteen.

CHRISTOPHER ADDISON,
Minister of Health.

WE approve these Regulations—

J. TOWYN JONES
R. A. SANDERS

Lords Commissioners of His Majesty's Treasury.

THE HOUSING ACTS (COMPULSORY PURCHASE) REGULATIONS, 1919.

THE MINISTER OF HEALTH, in pursuance of the powers conferred on Him by the First Schedule to the Housing, Town Planning, &c. Act, 1909, and of all other powers enabling Him in that behalf, hereby makes the following Regulations :—

ARTICLE I.—These Regulations may be cited as "The Housing Acts (Compulsory Purchase) Regulations, 1919."

ARTICLE II.—The Housing, &c. (Form of Compulsory Purchase Order, &c.) Order, 1911, made by the Local Government Board on the 14th day of June, 1911, is hereby revoked, except so far as it relates to any Compulsory Order made thereunder before the date of these Regulations.

ARTICLE III.—An Order made by a Local Authority under the First Schedule to the Housing, Town Planning, &c, Act, 1909, (herein-after referred to as "the Compulsory Order") shall be in the Form set forth in the Schedule hereto, or in a Form substantially to the like effect.

ARTICLE IV.—(1) Before submitting the Compulsory Order to the Minister of Health for confirmation, the Local Authority shall cause the same to be published by advertisement in two successive weeks in one or more of the local newspapers circulating in the District of the Local Authority and in the Parish or Parishes in which the land to which the Compulsory Order relates is situated.

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* A memorandum, General Housing Memorandum No. 6 D98, has been issued drawing attention to these Regulations

(2) The advertisements shall be headed respectively "First Advertisement" and "Second and Last Advertisement," and the first of the said advertisements shall be published not later than the seventh day after the making of the Compulsory Order.

(3) Each of the said advertisements shall contain in addition to a copy of the Compulsory Order a notice setting out the following particulars :—

(*a*) a statement that any objection to the Compulsory Order must be presented to the Minister of Health within the period of fourteen days from and after the date of the publication of the first advertisement; and

(*b*) a statement of the period, times, and place or places during and at which the deposited plan referred to in the Schedule to the Compulsory Order may be inspected by or on behalf of any person interested in the land to which the Compulsory Order relates.

(4) The plan referred to in the Schedule to the Compulsory Order shall be deposited by the Local Authority not later than the seventh day after the making of the Compulsory Order at a place convenient for the purposes of inspection, and shall be kept deposited thereat for a period not being less than fourteen days from the date of the publication of the first advertisement; and the said plan shall be open for inspection by any person interested or affected, without payment of any fee, at all reasonable hours on any week-day during the said period. The Local Authority shall also make suitable provision for affording to any such person inspecting the said plan any necessary explanation or information in regard thereto.

Article V.—(1) The Local Authority shall, not later than the seventh day after the making of the Compulsory Order, cause notice thereof to be given to every owner, lessee, and occupier of the land to which the Compulsory Order relates, and every such notice shall include a copy of the Compulsory Order, to which shall be appended a notice containing the particulars mentioned in paragraph (3) of Article IV. of these Regulations.

(2) The Local Authority shall furnish a copy of the Compulsory Order, free of charge, to any person interested in the land to which the Compulsory Order relates, upon his applying for the same.

Article VI.—The period within which an objection to a Compulsory Order may be presented to the Minister of Health by a person interested in the land to which the Compulsory Order relates shall be the period of fourteen days from and after the date of the publication of the first advertisement of the Compulsory Order.

Article VII.—(1) The Local Authority shall as soon as practicable after the confirmation of the Compulsory Order cause a copy of the Compulsory Order as confirmed to be served on every owner, lessee, and occupier of the land to which the Compulsory Order relates.

(2) A copy of the Compulsory Order as confirmed shall be furnished free of charge by the Local Authority to any person interested in the land authorised to be purchased upon his applying for the same, and a copy of any plan to which reference is made in the Compulsory Order as confirmed shall also be furnished by the Local Authority to any such person upon his applying for such copy and paying the reasonable cost of preparing the same.

Article VIII.—Every notice or other document which in pursuance

of paragraph (1) of Article V. or of paragraph (1) of Article VII. of these Regulations is required to be given or served by the Local Authority to or on an owner, lessee, or occupier, shall be served :—

(*a*) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent; or

(*b*) by leaving the same at the usual or last known place of abode of such person as aforesaid; or

(*c*) by post as a registered letter addressed to the usual or last known place of abode of such person; or

(*d*) in any case to which the three preceding paragraphs are inapplicable by affixing the notice or other document upon some conspicuous part of the land to which the notice or document relates; or

(*e*) in the case of a notice required to be served on a local authority or corporate body or company, by delivering the same to their clerk or secretary or leaving the same at his office with some person employed there, or by post as a registered letter addressed to such clerk or secretary at his office.

ARTICLE IX.—Articles III. to VIII. of these Regulations shall not apply to any Compulsory Order made before the date hereof.

SCHEDULE.

THE HOUSING ACTS, 1890-1919.

ORDER FOR THE PURPOSE OF THE COMPULSORY ACQUISITION OF LANDS.

The* hereby make the following Order :—

1. The provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement are, subject as herein-after provided, hereby put in force as respects the purchase by the*
of the lands described in the Schedule hereto for the†

2 The Lands Clauses Acts (except Section 127 of the Lands Clauses Consolidation Act, 1845), as modified varied or amended by the First Schedule to the Housing, Town Planning, &c. Act, 1909, the Housing, Town Planning &c. Act, 1919, and the Acquisition of Land (Assessment of Compensation) Act, 1919, and Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, are, subject to the necessary adaptations, incorporated with this Order, and the provisions of those Acts shall apply accordingly.

‡3. The sums agreed upon or awarded for the purchase of the lands described in the Schedule to this Order, being glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(3.) This Order shall come into operation as from the date of its confirmation by the Minister of Health.

THE SCHEDULE above referred to.

Numbers on Plan deposited at the Offices of the*	Quantity Description and Situation of the Lands.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.

Given under the seal of the*

this day of 19 .

L. S.

* Here insert title of the Authority making the Order.

† Here insert "purposes of Part III. of the Housing of the Working Classes Act, 1890," or "purpose of [a town planning scheme] under the Town Planning Acts, 1909 and 1919," as the circumstances require. In the case of a town planning scheme, the name of the Authority who made the scheme and the date or short title of the scheme should be stated.

‡ Insert this Article where the lands described in the Schedule to the Order include glebe land or other land belonging to an ecclesiastical benefice.

Given under the Official Seal of the Minister of Health, this Twenty-ninth day of August, in the year One thousand nine hundred and nineteen.

L. S.

CHARLES KNIGHT,

Assistant Secretary, Ministry of Health.

STANDARD SPECIFICATION FOR COTTAGES.

The Ministry of Health in a memorandum (General Housing Memorandum No. 3*) accompanying the standard specification given hereafter state :—

1. Enclosed with this Memorandum are three copies of the Standard Form of Specification D. 82, which the Ministry of Health have caused to be prepared for use by local authorities and public utility societies in connection with State-aided Housing Schemes under Part III. of the Housing of the Working Classes Act, 1890.

2. Every scheme which has not yet gone to tender, or is not at the date of the issue of this Memorandum on the point of going to tender, should comply with the standard form of specification.

3 It will be observed that the standard specification is drafted so as to cover various alternatives, and it should be adapted so as to suit the particular circumstances of each scheme.

4. The Ministry will not be prepared to approve schemes which show deviations from the standard specification, except in so far as the Ministry agree that they are rendered desirable by local circumstances and conditions.

5 It is very desirable that quantities should be taken off in such a way as to enable tenderers to tender for as many or as few houses as they desire. In this way it is hoped to give an opportunity to small builders to tender for work to the extent to which their capacity permits, and it is hoped that in this way lower tenders may be obtained and greater expedition in the building of the houses. Local authorities should therefore arrange that quantities should be taken off for block units of types, thus :—

If the lay-out provides for detached houses :—Quantities for one house of each type.

If the lay-out provides for semi-detached houses :—Quantities for each pair in types

If the lay-out provides for three houses or more :—Quantities for each block in types.

SPECIFICATION OF WORKS TO BE EXECUTED AND MATERIALS TO BE PROVIDED FOR THE ERECTION AND COMPLETION OF COTTAGES.

This Specification with the drawings of the respective types of Cottages forms part of the Contract between
and

Preliminaries.

The work to be done under this specification is intended to include all the general work preparatory to its execution ; for the compliance by the Contractor with all the conditions of the contract; for the plant, scaffolding, tools and sheds; proper and sufficient protective works; notices, licences, and fees ; for fire, workmen and other insurances; mess rooms for workmen ; regular clearance of rubbish ; and for all other matters necessary for the completion of the several works satisfactorily to the true intent and meaning of the drawings and this specification.

* The Memorandum is numbered D90 and was issued in August, 1919.

Adequate latrine accommodation is to be provided and kept in a proper sanitary condition, and wherever practicable a connection is to be made immediately with public sewerage for the same, and the trapping and ventilation thereto are to be carried out in accordance with the regulations. Clear away the latrines and soil whenever necessary, and make good at completion all work disturbed by the erection of these conveniences.

Provide the water necessary for the use of the works.

Provide all necessary appliances for keeping the trenches and excavations free from water during the execution of the works.

Provide a suitable office with the necessary heating, lighting, furniture, and sanitary accommodation, for the use of the Architect when he is visiting the works, and for the Clerk of Works and for all attendance during the period of the work.

Provide the necessary watchman for the protection of the works, and such lighting as may be found necessary.

Provide any protection around the site that may be necessary for the public safety.

Attend upon, cut away for, and make good after all Trades in all Trades.

Protect and keep from damage due to the operations under the contract, all fences, paths, trees, shrubs, greens, and other surfaces about the buildings or approaches thereto which are required to be maintained.

EXCAVATOR AND CONCRETE.

2. Surface Soil.

Carefully remove and preserve any turf and stack where directed. Remove the vegetable earth or other surface soil to the depth required under the houses, and deposit the material in separate heaps for use or for clearing away eventually, and clear away what is not needed. All excavation is to be disposed of on the site, if possible.

3. Trench Digging.

Excavate below the foregoing level for the trenches required for the foundations to all the walls, piers, chimney breasts and other work indicated on the drawings to the lengths, widths, and depths shown, or to greater depths should the earth at the levels indicated not be sufficiently solid for a good foundation. Level the bottoms of the trenches for the concrete.

4. Strutting and Planking.

Strut and plank all excavations wherever necessary.

Filling In.

Fill in and ram the best of the excavated earth about the foundation of walls, etc., and deposit or clear away the surplus as required.

6. Consolidate Earth.

Well level, ram and consolidate the earth below all floors and pavings, concrete, etc. All trench bottoms are to be inspected and approved by the Architect before any concrete is laid therein.

7. Lime.

Where suitable blue lias or stone lime can be obtained locally they can, except as hereinafter specified, be used in place of Portland cement.

8. Cement.

The Portland cement is to be of approved manufacture, of a quality which complies with the requirements of the current specification adopted by the British Engineering Standards Committee, slow setting quality to be used generally.

9. Gauging Concrete, Mortar, &c.

Provide the necessary boxes for accurately measuring the ingredients for concrete, mortar, plastering, etc. All gauging and mixing is to be performed on proper wooden platforms.

10. Aggregate for Concrete.

The aggregate for concrete is to be composed of hard bricks free from lime mortar, stone, gravel. or other approved material broken to various sizes, but all to pass through a 1½ in. ring, with sufficient clean river or pit sand to fill up all interstices.

11. Concrete in Trenches.

For the foundations of all walls, piers, chimney breasts, etc., concrete of the sections shown on the plans, and composed of one part by measure of cement to eight parts by measure of the aggregate and sand, is to be laid in the trenches and carefully levelled to receive the brickwork. If ground lime is substituted for cement, it must be gauged six to one for hydraulic lime, and four to one for stone lime.

The materials are to be well mixed in small quantities by turning over with a rake and shovel until the colour of the cement is distributed over the aggregate, and then with a due proportion of water, which is to be applied through a rose, and the concrete so prepared is to be at once deposited into the trenches and well consolidated.

12. Foundations.

Excavate for and lay Portland cement or lime concrete foundations, as described, those to external and party walls to be not less than 12 in. wider than bottom of wall, those to interval walls to be not less that 9 ins. wider—none to be less than 6 ins. thick. The bottom of concrete is to be not less than 2 ft. below the level of the finished ground outside the houses, but in clay soils the bottom of the concrete must not be less than 3 ft. 6 in. below the level of the finished ground outside the houses. The bottoms of all concrete foundations to walls must in all cases go at least 9 ins. into the virgin soil, except where the foundation is in shale, chalk, rock, or other ground of a like nature, when the bottom of the concrete can commence directly either of these materials is met with.

13. Concrete on Sloping Sites.

In steeply sloping sites in clay, where the foundations owing to the natural slope of the ground would come at or near the surface, they are to be taken down at least two feet into the virgin soil.

14. Surface Concrete.

Lay over the whole surface of the buildings a bed not less than 4 ins. thick of Portland cement concrete similarly composed to that described for the trenches, levelled and prepared where necessary to receive such other floors and pavings thereon as may be specified.

15. Granolithic Paving, &c.

The floors in scullery, w.c., e.c., coal store, larder and back lobby are to be finished with a 1 in. thickness of cement and either limestone

or granite chippings (two of cement to five of the materia. used) brought up to a hard smooth trowelled surface and kept damp for seven days after laying.

16. Concrete Lintels.

The concrete lintels are to be composed of one part of Portland cement, four parts of the aggregate to pass 1 in. ring, and two parts of sand. The lintels are to be reinforced by a steel rod ½ in. diameter for openings up to 4ft. wide and ¾ in. diameter for openings above 4 ft. wide for every half brick in thickness of the wall carried, or for every 6 ins. in thickness where stone walls are supported. The lintels are to be 6 in. deep for all apertures up to 4 ft. in clear width and 1 in. deeper for each additional foot or part of 1 ft. beyond 4ft. The lintels are to bear 6 ins. on the walls at each end.

17. Concrete Eaves Course.

If a projecting eaves course is desired it may be formed of similar concrete to that last described, not less than 4 ins. thick and reinforced with ½ in. diameter steel rods at right angles to the wall spaced 2 ft. apart near the upper surface and finished with roughcast or cement and sand or harled as described in Plasterer. Where these occur over window openings they are to be cast in long lengths to act as lintels with two ½ in. diameter steel rods embedded lengthwise in the same in addition to the rods above specified. The wall plate carrying rafters must be bedded on the inner edge of the concrete eaves course.

OUTSIDE PATHS AND PAVINGS.

18. Paths and Pavings in Yards, &c.

All pavings, gravel or ash paths are to be carefully laid to fall towards approved drainage courses.

Excavate for and form the back garden paths with 3 in. of ashes well rolled in.

Excavate for and form the front path up to entrance doorway, also the paved portion at back of houses, with tar paving 2 in. thick of macadam, slag, granite or other similar clean material broken to pass a 1 in. mesh and containing a proper proportion of fine material and hot pitch and tar well mixed together and punned into position and well rolled. Finish with ½ in. layer of similar materials to pass a ¼ in. mesh well rolled and finally sprinkled with white stone or spar chips and again rolled. The ½ in. finishing coat is to be executed just before the houses are handed over ready for occupation. The tar paving is to be laid upon 3 ins. of ashes well rolled in.

Provide and fix at edge of tar paving 1¼ ins. x 4 ins. creosoted fir sawn edging secured with 1½ ins. x 1½ ins. creosoted stakes 2 ft. long, pointed and driven into the ground at 4 ft. centres, or other suitable approved edging.

The front path may be formed of cobbles, rough stone paving, or other suitable material.

DRAINAGE.

19. Soil Drain-Pipes.

The pipes for soil drains are to be "British Standard Tested," and to comply with the British Standard Specification No. 65 for salt-glazed ware pipes, with socket joints and all necessary bends and junctions, laid in straight runs and to even and regular falls on a bed of Portland cement concrete (1 to 8), as described for foundations 4 in. thick, and

to be benched up at each side to top of pipe with similar concrete. Pipes under building are to be surrounded with similar concrete 4 ins. thick. Pipes are to be laid not less than 18 ins. deep below the surface of gardens and 12 ins. deep below pavings. The joints of pipes are to be caulked with gaskin and jointed in Portland cement and sand in equal proportions, and the inside of pipes is to be carefully cleaned out so as to leave a perfectly clear and unobstructed waterway.

20. Rainwater Drains.

The pipes for rainwater drains are to be "British Standard," and to comply with the British Standard Specification No. 65 for salt-glazed ware pipes. laid as above but without concrete.

21. Falls.

The soil and rainwater drains are to be laid to even and regular falls of not less than 2 ins. in 10 ft.

22. Filling.

In filling in the trench after the drains are laid and tested, great care is to be exercised so as not to disturb the drains, and the finest and best of the excavated material is to be used for packing around the pipes. The whole is to be carefully and thoroughly consolidated and rammed, and any depression in the finished surface over drains made up.

23. Cleaning Eyes.

Form cleaning eyes where required on drains with sloping length of 4 in. salt-glazed ware drainpipe carried up to surface of ground and finished with salt-glazed ware stopper bedded in cart grease and sand in end of pipe. Surround end of pipe with cement concrete 6 ins. thick, and cover the cleaning eye with 2 in. cast concrete slab, 15 ins. x 15 ins.

24. Gullies.

Provide and set where necessary to take surface water and at feet of rainwater pipes, bath and sink wastes, 4 in. salt-glazed ware trapped reversible gullies, with rebated top and 6 in. x 6 in. heavy cast iron grating. Bed and surround the gullies with Portland cement concrete and joint to drain. Provide and fix at side of gullies taking sink waste 4 in. salt-glazed open channel 2 ft. long discharging over gully and set in cement concrete not less than 6 ins. thick.

Form brick or Portland cement concrete curb around all gullies (except surface water gullies), and finish in Portland cement and sand, gauged 1 and 3, with rounded top, and render the wall of house next gully with cement and sand 9 ins. high. Finish with return and arris at top. and continue the curb around the open channel of gullies taking sink wastes.

25. Manholes.

Build manholes in the positions required by the local authority, and of 2 ft. 3 ins. x 1 ft. 10½ ins. minimum size, with 4½ in. brick sides to those 3 ft. deep and 9 in. brick sides to those exceeding 3 ft. deep, in cement mortar upon Portland cement concrete bottom 4 ins. thick, the bottom benched up with steep falls to channels in fine Portland cement concrete, and the bottom and sides rendered watertight in cement and sand. Provide approved cast-iron coated manhole cover and frame, 18 ins. x 18 ins., 24 ins. x 18 ins., or 24 ins. x 24 ins. clear opening as required, bed the frame in cement, and the cover in cart grease and sand. Provide 4 in. cast Portland cement concrete surround. finished in 1 in. granolithic on top as previously described, to take cover. Pro-

vide and bed in cement in bottom of manhole salt-glazed ware half round main channel pipes, and similar three-quarter round branch channel bends. Manholes over 3 ft. deep are to have cast-iron coated step-irons built into side 18 ins. apart.

26. Intercepting Trap.

Provide and build into side of manhole nearest the sewer an approved salt-glazed ware intercepting trap, with cleaning arm and stopper bedded in cart grease and sand, and bed trap on and surround with Portland cement concrete and connect to drain. Provide and fix galvanised iron lever and chain to the stopper, the chain fixed to wall of manhole just under the cover with a stout staple.

27. Ventilating Pipe and Fresh-Air Inlet.

Provide and fix at upper end of drainage system $3\frac{1}{2}$ in. diameter cast iron coated ventilating pipe, as hereafter described in Plumber.

Provide and fix in a protected position near the front manhole an approved fresh-air inlet, formed by carrying up a drain connected to manhole 6 ins. above the level of ground, with a bend on the end, and bed same in Portland cement concrete, benched up and rendered smooth, and fix in the end of the bend a galvanised cast iron grating set in cement.

28. Connections to Sewers.

Where new roads are in course of construction, or are about to be constructed, the connection to the sewer in road is to be made before the footpaths and roadways are completed.

29. Testing.

No length of drain is to be covered in until it has been tested and passed. The whole of the soil drainage system is to be tested again at completion with water, smoke, or other test to the satisfaction of the local authority, and is to be well flushed out at completion of works.

FENCING.

30. Fences and Gates.

Construct the fences at front, back, sides and between houses with three rows of No. 8 gauge galvanised iron wire well strained and fixed through holes in concrete posts and secured to the end posts with $\frac{1}{4}$ in. diameter galvanised iron eye bolts passing through holes in the post and with nuts and washers. The posts are to be 4 in. x 3 in. tapered reinforced concrete posts 3 ft. high above ground with the exposed surfaces perfectly clean and smooth, let into ground 18 ins. deep and shaped at top. The reinforcement is to be kept $\frac{3}{4}$ in. back from the finished surfaces of posts.

The end and corner posts where taking full strain of the wires are to be 4 in. x 4 in. and to have reinforced concrete struts, and the feet of posts and struts are to be set in Portland cement concrete 18 ins. x 18 ins. x 18 ins.

The entrance gates and the gates in the back fences are to be wrot iron or oak of approved simple design with latch and heavy catch bolted to the concrete post and hung on stout wrot iron rides with nuts and washers and passing through holes in the gateposts. The gateposts are to be 4 ins. x 4 ins. reinforced concrete posts, shaped at top, 4 ft. high above ground, let into ground 2 ft. deep. The gateposts are to have sunk holes so that the nuts of bolts do not project. The feet of gateposts are to be set in Portland cement concrete 18 ins. x 18 ins. x 18 ins.

Other kinds of fencing, if of equal cost and durability, can be used in place of the foregoing.

31. Dividing Walls at Back of Houses.

Dividing walls at back of houses 6 ft. high and 5 ft. projection are to be put where there are no outbuildings.

BRICKLAYER.

32. Bricks.

The whole of the building bricks used are to be good, hard, well burnt, common bricks. Where London stocks can be obtained, approved grizzles or place bricks may be used for party walls and internal walls carrying no weight. Approved old bricks, where available, may also be used.

The bricks are to be picked square and true for faced work.

No bricks are to be used for facing which will scale or waste away when exposed to frost or rain.

All bricks below dampcourse in contact with earth or damp are to be carefully selected hard burnt bricks, not liable to be affected by the action of the earth or damp.

33. Lime Mortar.

The lime mortar is to be composed of one part of blue lias lump lime and three parts of clean, sharp river or pit sand, or one part of stone lump lime and two parts of sand, and should the lime be ground before use the proportions are to be four and one and three and one, respectively.

34. Cement Mortar.

The cement mortar is to be composed of one part by measure of Portland cement to four parts by measure of clean, sharp sand, and when mixed is to be used immediately. No cement mortar that has commenced to set is to be knocked up again.

35. Mortar Mill.

Where a mortar mill is used, the proportion of sand shall not be less than one-third of the aggregate.

36. Brickwork.

The whole of the walls, piers, chimneys, etc., are to be built of the lengths, heights, and thicknesses shown on the drawings, well flushed up in Portland cement or lime mortar, and the cross joints filled in solidly; the work is to be carried up to even heights all round, and no part is to rise more than scaffold height above any adjoining work. If porous bricks are made use of above the dampcourse, the external face must be finished in cement, roughcast or harled, as described in Plasterer.

No main external brick wall is to be less than 9 ins. thick.

37. Footings.

No brick footings are to be provided to any walls.

38. Brick Hollow Walls.

The hollow walls are to be built of two 4½ in. brick walls with a 2 in. cavity and with galvanised iron ties, two at least for every superficial yard, and one to every 12 in. in height to the sides of all openings. The base of the wall is to be filled in solid with fine concrete up to 6 ins. below level of dampcourse.

Great care is to be observed to keep bottom of cavity clear of

mortar droppings, and sufficient bricks, which can be removed for clearing out cavity at completion, must be laid dry at the bottom of the cavity These bricks are then to be properly reset in cement.

39. Concrete Slab Hollow Walls.

The hollow walls may be built of two thicknesses of 3½ in. or 4 in. concrete slabs with a 2 in. cavity, and set in cement mortar bonded together with approved galvanised iron wall ties 3 ft. apart horizontally and every course vertically, and placed diagonally, all as described for brick hollow walls.

If this method of construction be adopted, the outside leaf can be cast weathertight, or roughcast or harled, as described in Plasterer.

The concrete slabs can be composed of one part of Portland cement to six parts of fine clean clinker, free from sulphur, cast in moulds, under pressure, with slightly hollowed or grooved edges, and properly seasoned before use. The slabs are to be not more than 3 ft. long and 12 ins. high.

These hollow concrete walls are to be built on ordinary concrete or on brick foundations up to, at least, the level of the dampcourse.

40. Arches.

All arches are to be segmental or semicircular half-brick rings set in cement mortar.

Brick on edge flat arches may be used to openings not exceeding 4 ft wide with ½ in. camber.

41. Pointing.

All the joints of brickwork are to be well filled in, flushed up and neatly weather struck, where exposed as facings, as the work proceeds when the weather permits. The brickwork is to be either left rough or well raked out where the finishing is to be in roughcast or harled.

42. Work in Cement.

The half brick walls and the chimney stacks, where they rise above the levels of the floor covering, are to be built in cement mortar. The outer casing to flues above roof are to be 4½ in. thick.

43. Party Wall Gables.

The party wall gables or divisions in roofs are to be 9 in. thick, stepped, and finished on top with at least 3 in. clinker concrete carefully brought up to the line of the roof slope for nailing roof coverings to without the use of battens, for protection from fire.

44. Sundries.

Build in as the work proceeds, or afterwards bed in lime and hair mortar and point in cement mortar around all joiner's frames for doors and windows; bed in mortar all beams, sleepers, and plates, lintels, templates, slips, stone and metal work set in the brickwork.

45. Wire Reinforcement.

Where half-brick walls are used to enclose coal stores provide and build in at 1 ft. 6 in. and 3 ft. above floor level approved galvanised wire mesh as reinforcement to strengthen the walls to resist the coals thrown in.

46. Partitions.

All division ground floor walls carrying upper floor joists are to be 4½ in. brick. Build the internal partitions where indicated on the drawings with 3 in. concrete slabs, as previously described, set in cement

mortar and well pinned in and tied to the brick walls. Where a second upper storey is to be formed, 3 in. partitions may be used on the first floor, but in cases where these partitions carry the second floor joists they must come immediately over 4½ in. brick walls on the ground floor.

47. Sleeper Walls.

Where there are wooden joists to the ground floors, build 4½ in. honeycomb sleeper walls, and 4½ in. solid brick fender walls.

48. Dampcourses.

Lay on all walls, piers, chimney breasts, sleeper and fender walls, etc., a dampcourse the full thicknesses of walls formed of two courses of stout slates breaking joint, set in cement mortar gauged three and one; or an approved pure bitumen dampcourse well lapped and set upon a bed floated to receive the same may be used.

Lay over the ground floor openings and openings in gables of hollow walls approved pure bitumen dampcourses turned up over the inner concrete lintels and dressed down in the hollow with a slight fall each way and 3 ins. beyond the width of the opening, and taken to within ½ in. of face of external wall.

Slate dampcourses are to be laid in all the chimney stacks at the point where they rise above roofs.

49. Flues and Chimney Heads.

Build the necessary corbelling over for the breasts and stacks, form all chimney flues of the sizes shown, which are in no case to be straight or less than 9 ins. x 9 ins. with as easy bends and turns as possible, and properly gather and parge the flues as the work proceeds and core at completion.

The chimney stacks where so shown are to have projecting courses at their heads, and each flue is to be finished with a chimney pot set and well flaunched up in cement mortar.

50. Chimney Openings.

Build in kitchen range opening 2 ins. x ⅝ in. cambered and caulked iron chimney bars 18 ins. longer than the opening and turn one ring arches over them and at all fireplace apertures, and carefully gather in the flues immediately above the openings. Concrete lintels may be built in instead of arches or bars.

51. Concrete Hearths.

Where indicated on drawings prepare for a self setting range by forming a large concrete hearth 4 ins. thick finished hard and smooth with 1 in. granolithic paving, and make a smokeproof connection to the brick flue from the iron flue pipe of the range.

Form similar concrete and granolithic hearths to other fireplaces on ground floor.

Concrete hearths 3 in. thick finished with 1 in. granolithic paving are to be set generally upon fillets nailed to the upper floor joists. No timbers or plugs are to be inserted within 6 in. of any flue.

52. Trimmer Arches.

Where concrete hearths are not used, 4½ ins. brick trimmer arches are to be turned between the timbering on proper springing fillets and filled in solidly with cement concrete to receive the 1 in. granolithic paving.

53. Stoves, &c.

Fix and bed solid all stoves, ranges, mantelpieces, etc., provided, and make good all round after fixing: provide and build in firebricks in all flues where exposed to flames.

54. Mantel to Range.

The mantel to range may be formed in cement, slate, stone or brick with wood shelf over.

55. Rendering.

Roughly render the faces of brickwork or walling over smoke flues passing through floors, ceilings, and in roof spaces with cement mortar.

56. Copper.

Provide and fix in the positions indicated on the plans independent eight to ten gallons rustless iron pans, with furnaces for gas or other fuel with iron flue pipes and bends to connect with brick flues above.

57. Air Bricks.

Two 9 in. x 6 in. air bricks are to be built in the external walls for each larder and e.c. and for each w.c. and one 12 in. x 9 in. air brick is to be built in for each bedroom having no fireplace. Proper cased flues for same are to be formed through cavity walls.

58. Ventilation Under Floors.

Where wood floors on joists are used on the ground floor a through current of air is to be provided through every space so covered by an adequate number of 9 in. x 3 in. air bricks built in as last. Where any part of the building has a solid floor, then through ventilation is to be provided to the spaces under joisted floors by 4 in. socketed drainpipes connected to a flue and air brick built in the external wall.

59. Sink.

Provide and fix a standard pattern Belfast or London sink with waste and trap in each scullery set in cement mortar on two 4 in. drainpipes solidly filled up with concrete in front and resting on two brick corbels at back.

60. Steps.

Set in cement all stone, brick, tile, or granolithic concrete steps; the steps in each case are to be finished 2 in. above the levels of the floors at the front door, but level with the pavings of lobbies and sculleries and in similar positions.

61. Window Sills.

Where window sills are adopted they may be of stone, brick, or concrete, or of two courses of plain tiles, bedded in cement and set projecting 2 in., the bottom course having a continuous nib. The tiles are to be set weathering. Stone, brick and concrete sills are to project 2 in. and to be throated on the underside.

62. Reveals and Sills.

Where hollow walls are unplastered, put thick slates or other approved materials to the reveals and sills, set in cement mortar to cover wall cavities as necessary.

63. Larder Bench.

The bench in the larder is to be natural stone, patent stone, granolithic, or slate slabs on projecting brick courses built in cement.

64. Fair Face to Brickwork.

Finish the interior walls of scullery, larder, w.c., e.c., back entrance lobby, coal store, and outbuildings with a fair face and point with a neat, flat joint for lime-white or distemper.

65 General.

Do all necessary rough outting, beam-filling, and everything required to complete the bricklayer's work to the satisfaction of the Architect.

WALLER.

66. Walls.

Where stone is procurable locally and the cost compares favourably with that of brickwork, stone walling may be substituted for brickwork. The stone walling must be at least 12 in. in thickness.

Build up from the concrete in trenches the external walls of the lengths, heights, and thicknesses indicated on the drawings in uncoursed rubble set in lime mortar as described for the brickwork, inserting a sufficient number of through bonding stones and large quoin stones. Where it is intended to face the walls with stone, the whole is to be built with ramdom rubble set in lime mortar, and the joints struck as the work proceeds when the weather permits. Carefully dress the quoins to all the apertures and at the salient angles. Form arches, or finish the heads over the apertures with squared stones as indicated on the plans.

Build in cement all the chimney heads up from just below the roof with coursed rubble, having dressed stones and oversailing courses as shown, and point as above described.

The external faces of stone walls may be roughcast or harled as described in Plasterer.

The dampcourses will be as described for those in the brick walls, and the specification for bricklayer's work will generally apply to the waller's work.

TILER.

67. Tiles.

Tiles should not be used for roofs with a pitch of less than 45 deg.

The tiles are to be hard, well and evenly burnt sand-faced tiles of an approved make and colour, made with nibs and laid to a 4 in. gauge, but not less than a 2 in. lap throughout. The tiles are to be laid on 1½ in. x 1 in. sawn battens, and every fifth course is to be nailed with two 2 in. stout composition nails to each tile. The two courses next to all eaves, gables, hips and ridges are to be nailed each course. Where no fascia or soffit boards are provided, the tiles are to be nailed to 1 in. rough boarding between the eaves and wallplate.

All tiling may be pointed, or torched on the underside in the manner customary in the district.

68. Verges.

The verges are to be formed with tile and a half tiles, with a tile undercloak, pointed in cement, exposing the ends of the tiles.

69. Eaves.

Put a double course of tiles at all eaves, bedded in cement mortar.

70. Ridges.

Cover the ridges with half-round or other approved section ridge tiles bedded down solidly in hair mortar and pointed in cement mortar.

and gradually tilt them up towards the gable ends. Fill in open ends with plain tiles in cement.

71. Hips and Valleys.

The hips and valleys are to be formed with proper hip and valley tiles coursed and bonded with the ordinary tiling and nailed at every course. The hip tiles are to be bedded in hair mortar and pointed in cement mortar.

72. Soakers.

Fix the lead soakers provided by the Plumber.

73. General.

Make good all damage done to the tiling, and at completion leave all roofs sound and watertight and clean out eaves gutters and downpipes.

N.B.—Bridgewater, Roman or pantiles may be used where customary, and the specification varied accordingly.

SLATER.

74 Slates.

Slates should not be used for roofs with a pitch of less than 30 deg.

The slating is to be of outside sizes of good quality Welsh or local slates free from defects, laid with a lap of not less than 3 in. throughout, each slate being fixed by two 2 in. stout composition nails to 2 in. x 1 in. battens. Where no fascia or soffit boards are provided, the slates are to be nailed to 1 in. rough boarding between the eaves and wall plate.

All slating may be pointed or torched on the underside in the manner customary in the district.

75. Verges.

Trim and point the verges in cement and fix an extra course of slates under verges.

76. Eaves.

Put a double course of slates at all eaves, bedded in cement mortar.

77. Ridges and Hips.

Cover the ridges and hips with half-round or other approved section blue tiles bedded down solidly in hair mortar and pointed in cement mortar. Fill in open ends with plain tiles in cement.

78. Soakers.

Fix the lead soakers provided by the Plumber.

79. General.

Make good all damage done to the slating, and at completion leave all roofs sound and watertight and clean out eaves gutters and downpipes.

CARPENTER AND JOINER.

80. Thicknesses.

The thicknesses of all joinery specified are before planing, and 1/16 in. will be allowed for each wrought face from all specified thicknesses.

81. Storing Joinery.

All joinery immediately after delivery at the site is to be stored and protected from the weather. The floor boards are to be stacked

on the site face downwards within a month of commencement of the work, and to be protected from the weather at least one month before use.

82. Painting Joinery Previous to Fixing.

All joinery specified to be painted is to be knotted and primed before leaving the joiner's shop. The bottom edges of all doors are to be primed and painted one coat just previous to hanging. The backs of all window frames and back linings and the backs of external door frames are to be coated with one coat of creosote or other approved material. (See also Painter.)

83. Materials for Carcassing.

The timber used is to be sound redwood or whitewood of suitable building quality, and not inferior to good fourth Swedish classification; or equal quality in Finnish or Russian production, spruce, red pine, pitch pine, Oregon pine or British Columbia pine. All to be reasonably seasoned.

Wrack and dead wood will not be permitted.

84. Home-Grown Timber for Carcassing.

Oak, chestnut, larch, spruce, or Scotch fir may be used for carcassing, if of an approved quality and growth and felled during the winter months.

All to be reasonably seasoned.

Wrack and dead wood will not be permitted.

The scantlings are to be similar to those specified for imported timber, except in the case of oak and chestnut, when the scantlings can be reduced 1 in. in depth.

Oak or chestnut beams may be used to support the first-floor joists, which may then be of the scantlings suited to the reduced span.

85. Materials for Joinery.

The timber used is to be sound redwood or whitewood of suitable joinery quality, and not inferior to good third Swedish or White Sea classification, or equal quality in Finnish or Russian production, red pine, pitch pine, Oregon pine or British Columbia pine. All may be used for both external and internal work, with the exception of whitewood and yellow pine, which may only be used for internal work.

All the wood must be seasoned and dry.

Wrack and dead wood will not be permitted.

86. Timber Generally.

All timber is to be cut square, free from excess of wane or discoloured sapwood.

N.B.—These descriptions of materials for carcassing and joinery will only apply during the period of scarcity of timber. As the supplies improve fresh descriptions will be issued.

87. Sills.

The oak or chestnut used for sills is to be free from sapwood, dead knots, or other defects, and to be well seasoned and dry.

88. Framed Work.

All doors and other framed work are to be put together immediately upon the general work being commenced, but not to be glued and

wedged up until the joinery is prepared in readiness for immediate fixing. All framing is to be put together with well-fitting mortise and tenon joints wedged up solid.

89. Ground Joists and Sleepers.

Where there are not solid lower floors there are to be ground joists on 4 in. x 1¼ in. fir sleepers about 6 ft. apart, which are to be bedded down upon the honeycomb 4½ in. brick sleeper and fender walls and kept 1 in. clear of all external walls; these sleepers are to be coated with one coat of creosote all round before bedding.

90. Floor Joists.

Construct the wood floor with joists of the following scantlings or with joists of equal area and suitable depths :—

Depth in inches when the breadth of joists is :—

Length of the bearing not exceeding	2 in.	2½ in.	3 in.
5 feet	4 in.	—	—
6 ,,	4½ in.	4 in.	—
8 ,,	5½ in.	5 in.	4½ in.
9 ,,	6 in.	5½ in.	5 in.
10 ,,	6½ in.	6 in.	6 in.
11 ,,	7 in.	7 in.	6 in.
12 ,,	8 in.	7 in.	7 in.

The upper floor joists are to bear direct on the brick walls without wall plates. The ends of the joists are to be bedded up level and carefully brick-filled between the ends.

All floor joists are to be fixed at spacings not exceeding 14 in. apart and each joist is to have a full wall bearing at each end. The trimmers and the trimming joists are to be ½ in. thicker than the other joists. All the floor timbering is to be properly trimmed and tusk tenoned. Filleting is to be put around the hearth trimmings for receiving brick or concrete hearths.

91. Cross Strutting.

Put one row of 1½ in. x 1½ in. sawn herring bone strutting to all bedroom floors where the bearing of the joists exceeds 8 ft. Solid strutting will be permitted.

92. Flooring.

Lay the wood floors with 1 in. straight joint or ploughed and tongued (according to local custom) floor boards of varying widths thoroughly seasoned, well jointed and securely fixed to each joist with two 2½ in. brads well punched down. All the flooring is to be well cleaned off and protected.

Put properly mitred margins around all the hearths.

93. Suspended Concrete Floors and Floor Finishings.

Suspended concrete floors may be used to the upper floors, formed of hollow blocks with reinforced concrete between or with reinforced beams and reinforced cast concrete slabs of the necessary strength to suit the bearings, or other approved form of construction.

Details must be given of the form of construction intended.

The finishing to the ground floors of parlours and living rooms and to the first floors where suspended concrete floors are utilised may be formed with approved composition flooring or screeded with 1 in. thick-

ness of Portland Cement and sand (gauged 1 and 3), finished perfectly smooth and hard with a steel trowel. These finishings are not to be executed until just before the houses are completed. The composition flooring is to polished with wax or other approved preparation.

94. Ceiling Joists.

The ceiling joists are to be 2 in. in thickness, spaced not exceeding 14 in. apart, not less than 4 in. or more than 5 in. deep, trimmed properly around trap doors and stacks, with stiffeners 5 in. x 1 in. and hangers 3 in. x 1½ in. wherever required fixed to purlins and rafters.

95. Roofs.

Construct the whole of the roofs with timbers of the following scantlings or of equal area and suitable depths :—

Rafters spaced not exceeding 14 in. apart.

Length of bearings not exceeding—	Dimensions.
5 ft.	3 in. x 2 in.
6 ft.	3½ in. x 2 in.
7 ft.	4 in. x 2 in.
8 ft.	4½ in. x 2 in. or 4 in. x 2½ in.
9 ft.	5 in. x 2 in. or 4½ in. x 2½ in.

Hips and valleys are to be 9 in. x 2 in. or 11 in. x 1½ in. and ridges 7 in. x 1½ in. Put 1 in. boarding to valleys in slated roofs.

The roofs are to be stiffened with the necessary collars and struts to carry 5 in. x 3 in. purlins at intervals of about 6 ft.

The rafters are to be notched and spiked to the wall plates, purlins, and ridges. The ceiling joists are to be spiked to the rafters and ceiling beams.

96. Fascias.

A wrought fascia board 5 in. x 1 in. may be used spiked to the feet of the rafters to serve as a tilt for the tiling or slating with ¾ in. soffit boarding on suitable bearers; or the brackets to eaves gutters may be screwed to the sides of the projecting rafters.

Where no soffit boarding is intended, the battens on backs of projecting rafters are to be omitted and 1 in. boarding is to be fixed instead.

The feet of rafters and soffit of roof boarding where projecting are to be treated with one coat of approved wood preserving stain as described in Painter.

97. Projecting Eaves.

Eaves should not project more than 12 in. beyond the face of the wall.

98. Wood Fixing Slips, &c.

Deal fixing slips are to be built in dry in the joints of brickwork or walling, or otherwise coke breeze bricks are to be built in for fixing joinery.

99. Skirtings.

Put 3½ in. x ¾ in. chamfered skirtings plugged to walls over all wood or composition flooring. 1½ in. x 1½ in. quadrant skirting fillet may be used in place of the above skirting.

100. Chair Rails.

Put to living rooms a 3½ in. x ¾ in. twice chamfered chair rail plugged to wall at a height of 2 ft. 6in. from floor to bottom of rail.

101. Picture Rails.

Put around the living rooms, parlours, and bedrooms a picture rail 1 in. x 1½ in. plugged to walls.

As an alternative picture rail, a light steel tube with sleeve brackets, finished black, pinned into walls and carried across window as curtain rod may be used.

102. Cloak Rails.

Cloak rails 6 ft. long 1 in. x 4 in. plugged to walls are to be fixed where indicated, and six hat and coat hooks are to be screwed thereon.

103. Air Grids.

Provide and fix in the larder fly-proof perforated zinc cover over the air brick fixed to small wood beading.

Where air bricks are provided to bedrooms, they are to be fitted with wooden hoppers.

104. Windows.

All windows should be fixed close to the external wall face.

105. Double Hung Sashes and Frames.

The sash frames for double-hung sashes are to have 7 in. x 3 in. weathered and checked oak or chestnut sills, throated on underside, 4½ in. x 1 in. deal pulley stiles and heads, 4½ in. x 1 in. outer linings, extended where there are arches over, 3 in. x ⅝ in. inner linings, 1 in. x ⅝ in. inside beads, 5 in. x ½ in. back linings, 1⅝ in. x ¼ in. parting slips, 1 in. x ½ in. parting beads, and 2½ in. x 1 in. draught boards. The sashes are to have 1⅝ in. x 3½ in. bottom rails, 1⅝ in. x 2 in. top rails and stiles, 2¼ in. x 1⅜ in. meeting rails, and 1⅜ in. x 1¼ in. square, chamfered, or moulded bars. The sashes are to be hung on stout cords with iron weights, and to have 1¾ in. brass-faced axle pulleys.

106. Casements.

The casement frames are to have 6 in. x 3 in. weathered and checked oak or chestnut sills, throated on underside, and 4 in. x 2 in. deal frames and mullions, with ¾ in. rounded stops planted on and mitred, with casements fixed or hung therein, having 2 in. x 1⅜ in. top rails and stiles, 3 in x 1⅜ in. bottom rails, and 1⅜ in. x 1¼ in. square, chamfered, or moulded bars.

107. Yorkshire Windows.

Yorkshire windows are to have 6 in. x 3 in. weathered and checked oak or chestnut sills, throated on underside, 4 in. x 2 in. deal frame with ¼ in. parting bead, ⅝ in. sash beads, and ¾ in. x ½ in. hardwood rounded runner let into sill, with sashes similar to last, some of the sashes being fitted to slide Fit each sliding sash with 3 in. japanned iron cabin hook on plate and two eyes.

108. Skylights

Where no windows are provided to staircases, supply and fix a standard pattern cast iron ventilating glazed skylight fixed on the battening before the roof covering is put on. Trim and form opening in rafters and in ceiling joists and form well-hole with 3 in. x 2 in. timbers from ceiling joists up to soffit of rafters and line with lath and plaster or fibrous slabs as described in Plasterer.

109. Steel Windows.

Where these are made use of they are to be as specified in Founder and Smith, set solidly and pointed up in cement as the work proceeds.

110. Cover Fillets.

Put 1 in. x 1 in. quadrant rounded or moulded cover fillets internally and externally around windows after the plastering is completed and before finishing coat of roughcast or harling is applied.

111. Window Boards.

The windows are to have 1 in. deal rounded window boards tongued to oak sill, or the sills can be finished with red quarry tiles set and pointed in cement mortar.

112. Doors Generally.

The doors are to be of a uniform height, and all doors giving access to rooms and cupboards are to be 2 ft. 8 in. wide, the doors to w.c.'s, e.c.'s, larders, coal stores, and outbuildings are to be 2 ft. wide.

113. Front Doors.

The front doors are to be $1\frac{3}{4}$ in. thick, with $4\frac{1}{2}$ in. top rails and stiles, 9 in. lock and bottom rails, $1\frac{1}{4}$ in. lower panels, bead and butt flush on the outside, $1\frac{3}{4}$ in. x $1\frac{1}{4}$ in. squared, chamfered or moulded glazing bars in the upper panel, and $\frac{1}{2}$ in. ovolo moulded glazing beads. Screw on $1\frac{1}{2}$ in. x 3 in. shaped weather fillet let into the bottom rail of door, the full width of door, the frame to be notched for same, and the ends of the weather fillet slightly splayed. These doors are to be hung with three 4 in. butts to $4\frac{1}{2}$ in. x 3 in. rebated and moulded frames, the heads having 4 in. horns for building into the walls.

114. Back Doors.

The back doors are to be $1\frac{3}{4}$ in. framed and ledged doors, having 4 in x $1\frac{3}{4}$ in. or $4\frac{1}{2}$ in. x $1\frac{3}{4}$ in. stiles, 9 in. x 1 in. or 8 in. x 1 in. middle and bottom rails, and 1 in. tongued grooved and V-jointed boarding, in widths not exceeding 5 in., each hung with three 4 in. butt hinges to $4\frac{1}{2}$ in. x 3 in. rebated and moulded frames, the heads having 4 in. horns for building into the walls.

115. Internal Doors.

The internal doors are to be $1\frac{1}{2}$ in. four-panel square doors, with 9 in. x $1\frac{1}{2}$ in. or 8 in. x $1\frac{1}{2}$ in. lock and bottom rails, $4\frac{1}{2}$ in. x $1\frac{1}{2}$ in. or 4 in. x $1\frac{1}{2}$ in. top rails muntins and stiles, and $\frac{3}{4}$ in. panels, hung with pair of 3 in. butts to 6 in. x $1\frac{1}{2}$ in. lining, with 3 in. x $\frac{1}{2}$ in. stops for $4\frac{1}{2}$ in. walls, or 4 in. x $1\frac{1}{2}$ in. frames with 2 in. x $\frac{1}{2}$ in. stops for 3 in. slab concrete partitions. The frames are to be grooved $\frac{1}{4}$ in. deep at back to receive edge of concrete partitions, and they are to be carried up and securely fixed to the ceiling joists at top and to the floors at feet.

116. Ledged and Braced Doors.

The coal store and w.c. or e.c. are to have 1 in. ledged and braced doors, with 7 in. x $1\frac{1}{4}$ in. ledges, $4\frac{1}{2}$ in. x $1\frac{1}{4}$ in. braces, 1 in. tongued grooved and V-jointed boarding, and hung with 14 in. Tee hinges to 4 in. x 2 in. frames with $\frac{3}{4}$ in. rounded stops planted on.

117. Iron Dowels.

Put $\frac{5}{8}$ in. wrought iron dowels 4 in. long between feet of frames of external doors and thresholds under same. The dowels are to be galvanised after being cut to lengths.

118. Fanlights.

Provide and fix over internal doors wherever required $1\frac{1}{2}$ in. moulded fixed fanlight and glaze same with 15 oz. sheet glass, the linings and frames of doors being carried up to receive same.

119. Architraves.

Provide and fix around doorways ¾ in. x 2½ in moulded, rounded or chamfered fillet as architraves.

120. Dressers.

In districts where dressers are usually provided in living rooms, they are to be constructed with 1¼ in. table top 18 in. wide, and the part below same enclosed and fitted with 1¼ in. square doors hung with pair of 2 in. butts and fitted with iron butterfly turnbuckle and staple, 1 in. pot board and bearers, and 1 in. shelf in enclosed portion, with drawers 7 in. high having 1 in. beaded front and ¾ in. rims dovetailed together, and ¾ in. bottom on proper runners, the part above table top to have two 1¼ in. diminished standards, three 1 in. grooved shelves with fillet to back plugged to wall as bearer the full length of shelves, and 1 in. top with 1 in. x 1½ in. cornice. Provide and fix to each drawer two plain blacked iron handles, and to shelves two dozen brass cup and jug hooks.

Where it is usual for tenants to provide their own dressers, a suitable place or recess is to be formed to receive them.

121. Staircase.

Construct the staircase with 1½ in. treads, with rounded nosing, and 1 in. risers, tongued in both edges and glued, blocked, and bracketted on stout fir carriages, 1¼ in. square wall strings and 1½ in. outer strings framed to 3 in. newels with shaped or turned top. The staircases enclosed between walls are to have 2 in. x 1¼ in. hollowed wall handrail screwed to plugs in wall, and staircases open on one side are to have 3 in. x 2 in American whitewood oval handrail fixed to 1 in. deal square balusters spaced two per step.

Where stairs are open on one side, enclose the space under same with ¾ in. matched and V-jointed boarding nailed to fir bearers to form cupboard and form a ledged door hung with pair of 8 in. wrot iron strap hinges to 3 in. x 2 in. deal frame and fitted with straight cupboard lock.

122. Cupboards.

The cupboards are to be formed in 3 in. concrete slabs, with the partitions carried up to the ceiling, with 1½ in doors and frames as previously described for internal doors, except that the doors are to be fitted with 1½ in. iron button on plate and 1½ in. iron knob. Provide and fix 5 ft. above floor one ¾ in. shelf on chamfered bearers and ¾ in. x 5 in. chamfered hat rail under shelf with japanned malleable iron wardrobe hooks spaced 9 in. apart.

123. Linen Cupboard.

The linen cupboard is to be formed as last described and fitted with three tiers of slat shelving of ¾ in. x 2 in. slats spaced 1½ in. apart on chamfered bearers.

124. Shelving.

Provide and fix above the slate or stone shelving in larder three tiers of 1 in. deal shelving, one 11 in. and two 9 in. wide, on chamfered bearers.

Provide and fix 50 ft. run of 1 in. x 9 in. shelving in suitable positions upon deal gallows brackets, or stamped steel brackets, and 30 ft. of pin rails.

125. Coal Boards.

Provide for coal store four 1 in. x 9 in. coal boards 3 ft. high to slide in rebated runners nailed to door frame.

126. Draining Board.

Provide and fix at side or sink 1 in. beech or sycamore, ledged and grooved, draining board, with ¾ in. x 3 in. skirting next walls, fixed on deal bearers and gallows brackets where required.

127. Trap Door.

Provide in ceiling over staircase a 1 in. deal ledged trap door 2 ft. x 2 ft. for access to roof, with 1 in. beaded lining around. The lining is to be ½ in deeper on two opposite sides, so as to keep the trap door ½ in up for ventilation; the trap door to be secured with two bolts.

128. Clothes Posts.

Provide two 4 in. x 3 in. wrot clothes posts 10 ft. long each with two turned hardwood or iron pins at top. Set the feet of posts into the ground 2 ft. 6 in. deep, and nail on 1 in. rough bases 9 in. high mitred around between earth and air, and once creosote same before fixing.

129. General.

Provide and fix all blocks, plugs, etc., required, and do everything necessary to complete the carpenters' and joinery work to the satisfaction of the Architect.

IRONMONGERY.

130. General.

The ironmongery generally is to be of the approved standard patterns.

All brass fittings are to be fixed with brass screws.

All butts are to be best quality pressed steel butts.

The keys of all locks and night latches to external doors are to differ for each cottage.

PLASTERER.

131. Lime.

The lime for plastering is to be well burnt stone or chalk lime, and it is to be run into putty at least one month before use.

132. Sand.

The sand for plastering is to be clean, sharp river or pit sand. free from earth, loam or saline materials, and well screened.

133. Hair.

The coarse stuff throughout is to have 9 lbs. of good long hair, free from grease or other impurities, well beaten up and mixed with every cube yard of the coarse stuff. If mill-ground coarse stuff is made use of, the hair is to be added after grinding.

134. Laths.

The laths are to be rent of single lath or sawn lath and half strength; each lath is to be properly secured with 1 in. wire nails to each ceiling joist, butt jointed, and to break joint every three feet.

135. Cement.

The Portland cement is to be as previously described.

136. Proportions of Materials.

For the coarse stuff one part of lime is to be well mixed with three parts of sand by measure, and in this is to be incorporated 9 lbs. of

hair with every cube yard. For the setting coat not less than one part of lime putty is to be well mixed with one part of clean sand.

137. Ceilings and Soffits.

Lath and plaster with two coats the whole of the ceiling, sloping ceilings, and the soffits of the staircases wherever they are exposed.

Fibrous plaster seasoned slabs $\frac{5}{8}$ in. thick cast with a rough surface for plastering, fixed with $1\frac{1}{2}$ in. composition nails 4 in. centres, and finished with a setting coat may be used in place of last.

138. Float and Set.

Float and set the whole of the interior walls and partitions, excepting in scullery, larder, coal store, w.c., e.c., back entrance lobby, and outbuildings. If fair face cannot be produced with the bricks available, the walls of scullery and larder are to be plastered in Portland cement and sand gauged 1 to 3 to a height of 4 ft. 6 in. above floor as dado finished with splayed top edge.

In all cases the plastering on walls and partitions is to be continued down to the floor levels.

139 Salient Angles.

The external angles throughout the plastered walls are to be slightly rounded and the first coat of plastering thereon is to be gauged with cement.

140. Cement Skirting to Sink.

Put Portland cement skirting to sink where it abuts against walls up to the window sill, or otherwise 9 in. high trowelled to a smooth and impervious face; or glazed tile skirting may be used.

141. Covering Cavities.

Where hollow walls are plastered put rough pieces of slate or tile to the reveals and sills set in cement to cover wall cavities as necessary.

142. Roughcast, &c.

Where indicated on drawings, float in cement and sand one to three not less than $\frac{1}{2}$ in. thick, well score the same and finish with a cement face roughcast or harled.

143 General.

Make good after all other trades and leave the plasterer's work perfect on completion.

FOUNDER AND SMITH.

144. Eaves Gutters

The eaves gutters are to be cast iron beaded, half-round standard pattern, the joints made in red lead and bolted, fixed on standard galvanised wrought iron or galvanised stamped steel brackets, two to each 6 ft. length of gutter, with spiked ends for driving into the concrete eaves course, or screwed to the feet of the rafters, sprocket pieces or fascias. Provide all requisite cast angles, stopped ends and outlets with nozzles.

145. Fall Pipes.

All the fall pipes are to be cast iron standard pattern piping with projecting ears to keep pipes 1 in. clear of the walls, fitted with all necessary swan-necks, shoes, and heads and fixed with 3 in. roseheaded nails.

146. Steel Casements.

Where steel windows are intended to be used, they must be of approved standard pattern with lugs bolted on for building into walls.

147. Stoves and Ranges.

The stoves are to be generally of the mantel register type selected from standard patterns. The ranges are to be of standard patterns.

148. Dustbin.

Provide and place in position a standard galvanised iron sanitary dustbin 18 in. diameter and 24 in. high, complete with cover.

PLUMBER.

149. Materials and Workmanship.

All the lead used is to be the best milled lead and of the full weight specified. The running joints in lead pipes and the joints to fittings are to be wiped soldered joints.

150. Chimney Aprons.

The aprons of the lower sides of the chimney stacks are to be 4 lb. lead let ¾ in into the joints of the brickwork or walling, to be brought not less than 3 in. down the chimney side, and to lie 6 in. on the tiles or slates, secured with lead wedges and pointed in cement, well worked round the returns of the stacks, and there covered with the other flashings.

151 Gutters.

Lay the gutters behind the chimney stacks (where required) with 5 lb. lead turned up 4 in. against brickwork and 8 in, under slates or tiles, and not less than 6 in, wide on sole at narrowest part.

152. Soakers.

In all cases where the raking line of tiling or slating meets brickwork or walling, 3 lb. lead soakers are to be fixed one to each slate or tile, turned up 3 in. against the walls and lying 5 in. on the slating or tiling, and to be 3 in. in addition to the full gauge of the tiles or slates.

153. Flashings and Valleys.

The lead soakers are to be covered with 4 lb. lead stepped flashings 8 in. wide, turned ¾ in. into the joints of the brickwork or walling secured with lead wedges, and pointed in cement.

The straight flashings are to be similar, but 6 in. wide.

Lay the valleys in slated roofs with 4 lbs. lead 15 in. girth.

154. Water Service.

Lay on water service to house in accordance with the local regulations with either lead pipe or galvanised wrought iron steam tubing as required, and connect with the public water main.

Provide a screw-down stop-cock fixed inside each house, easy of access where the main supply enters the house, and one on the down service just under the cistern.

155. Cistern.

Carry a ½ in. rising main up to a 40-gallon standard galvanised iron cistern fixed on sufficient bearers, and take ½ in. branch pipes from the rising main direct to the sink, bath, copper, lavatory basin, and water waste preventor.

156. Ball-Cock.

Provide and fix ball-cock over cistern.

157. Warning Pipe.

Provide and fix an iron or lead warning pipe connected to cistern, of sufficient size, discharging in an exposed position outside with copper hinged flap on end.

158. Wastes.

From the sink and lavatory basin take 1¼ in. and from the bath take 1½ in. iron waste pipes to the open, connected to the traps of the fittings and discharging over gullies or hopper heads.

159. Rainwater Butts.

Wherever rainwater butts are shown on the plans they are to be 40 gallon petroleum casks, well burnt out, and twice tarred externally, fitted with a 1 in. deal ledged cover twice tarred, perforated for the inlets. A 1¼ in. iron overflow is to be fixed to the cask connected by an elbow with screwed and jointed washers to the barrel to discharge over an adjacent gully or otherwise carried to a point at least ten feet away from the building where a soakaway is to be made one yard cube in all.

160. Soil Pipes.

All the soil and ventilating pipes are to be 3½ in. cast-iron standard pattern dipped in Dr. Angus Smith's solution, with projecting ears fixed with 3 in. rose-headed nails, the joints caulked and run with blue lead or caulked with lead wool. The branch soil pipes and junctions are to be of standard pattern. The ventilating pipes are to be carried up 2 ft. above the roof or the top of the nearest dormer window, through the eaves of roof where these occur, flashed with a 5 lb. lead tile or slate soldered to the iron pipes tinned for the purpose, and terminated with a copper-wire balloon grating. The trap of w.c. is to be connected to the socket of the branch pipe and caulked with gaskin and jointed in red lead. The feet of soil and ventilating pipes are to be connected direct to the salt-glazed ware bend and caulked with gaskin and jointed in Portland cement and sand gauged 1 to 3.

161. Bath and Lavatory Wastes.

The external wastes to the bath and lavatory basin on the first floor are to be 2 in. cast-iron standard pattern, all as described for soil and ventilating pipes, but jointed in red lead and tow, with hopper heads to receive the discharge pipes at the top and shoe at bottom to discharge over gully.

162. W.C. or E.C.

The w.c. is to be a stoneware pedestal closet with water-waste preventor with 1¼ in. galvanised steel flush-pipe and 1¼ in. plain hardwood seat, unpolished, in one thickness all to approved pattern. The flush-pipe is to be jointed watertight to the flushing arm of the w.c. Put ½ in. wrought-iron overflow to the water waste preventor carried through the external wall with a projection of 6 ins.

The e.c. is to have a strong galvanised iron sanitary pail with handles, and is to be fitted with 1¼ in. seat with properly dished hole on 5 in. x 1¼ in. bearers.

163. Washing Copper.

Washing copper, see Bricklayer.

Provide and fix over copper ½ in. bib cock.

164. Sink.

Sink, see Bricklayer.

Provide and fix over sink two ½ in. bib cocks marked "Hot" and "Cold" respectively.

165. Lavatory Basin.

The lavatory basin is to be glazed stoneware with overflow, brass waste, plug, and chain, and hot and cold taps, and iron trap, and is to be fixed on brackets or bearers, the whole to standard pattern.

166. Bath.

The bath is to be cast iron greenstone vitreous enamelled set on feet, with brass waste, plug, and chain, hot and cold taps, and iron trap, all to standard pattern.

167. Cocks.

The bib, stop and ball cocks are all to be brass of approved pattern.

168. Testing.

Test the whole of the internal plumber's work, water supply and fittings, and leave in perfect working order at completion.

HOT WATER FITTER.

169 Pipes.

The pipes are to be wrot iron welded steam tubing as previously specified for water supply, except in districts where lead or copper pipes are necessary, when they are to be as hereafter specified.

170. System.

The hot water supply may be provided by means of either the tank or the cylinder system, or where the bath is on the ground floor and not far from the boiler, an approved "Gravitation" system.

N.B.—In each case the system proposed to be adopted must be specified and comply with the following requirements :—

From the cold water cistern take a ¾ in. galvanised steam barrel supply to the hot water apparatus, with a screw-down stop-cock in same just under cistern.

The tanks or cylinders are to be 14 gauge tested galvanised wrot iron of 30 gallon capacity, with bolted manhole in same and with flanged connections for pipes.

The flow and return pipes are to be not less than 1 in. diameter, and in districts where the water is hard the flow and return pipes are to be not less than 2 in. diameter for 6 ft. above boiler.

From the flow pipe near the boiler take a branch to a convenient position and fix thereon a dead-weight safety valve.

Take ¾ in. branch to the bath and ½ in. branches to sink and lavatory basin.

Provide ¾ in. expansion pipe delivering over the cold water cistern.

Form draw-off at lowest point in system with ½ in. tubing properly connected to same, and provide and fix bib cock to empty system.

171. Lead or Copper Pipes, and Copper Boiler and Cylinder.

In districts where iron pipes, boilers, and cylinders are not serviceable, the pipes are to be in lead or copper, and the boot boilers at back of the range and the cylinders are to be of copper. The lead pipes are to weigh as follows :—½ in. diameter, 6 lb. per yard ; ¾ in. diameter, 9 lb. per yard ; 1 in diameter. 12 lb. per yard ; 1¼ in. diameter, 18 lb. per yard. The copper pipes are to be of No. 10 gauge. The copper boot boilers to be 3/16 in. plate to hold 3 gallons, with bosses brazed on and tapped for

connections to pipes. The cylinders are to have No. 22 gauge copper body and top, and No. 18 gauge bottom with bosses brazed on and tapped for connections to pipes.

172. Testing.

Test the whole of the hot water service and leave in perfect working order at completion.

GAS OR ELECTRIC LIGHT SUPPLY.

173. General.

Arrange with the local gas or electric light supply undertakers for the gas lighting and cooking or electric light installation complete.

GLAZIER

174. General.

The windows are to be glazed with seconds 15 oz. sheet glass except where the squares exceed 1 ft. 6 in. superficial area, in which case 21 oz. sheet glass is to be used, well-bedded, sprigged, and puttied. Front door and w.c. and ground floor bath room windows are to be glazed with approved obscured glass.

All glazing rebates are to be primed.

All putties are to be painted two coats.

PAINTER.

175. Paint.

The paint is to be obtained from an approved manufacturer, supplied ready mixed for use, of approved plain tints. The paint is to be used as sent by the manufacturer and each coat is to be of a distinctive colour. The paintwork is to be well rubbed down before the last coat is applied.

176. Ironwork..

The ironwork is to be cleaned entirely free from rust and to be painted one coat of oxide of iron paint just previous to fixing and two coats of oil colour after fixing. Eaves gutters are to be painted inside and out. Coated soil, vent, and waste pipes are to be once knotted and painted two coats.

All iron pipes inside houses not galvanised are to be painted one coat of oxide of iron paint before fixing and one coat of oil colour after fixing. and where exposed distempered or whitened with the walls and ceilings.

177. Blacking.

Clean and once black all stoves, range, copper. and flue pipe from same, where not galvanised, and clean and polish the bright portions of range.

178. Internal Woodwork.

The whole of the internal woodwork usually painted is to be finished in one of the following methods :—

(*a*) Treated with one coat of approved wood preserving stain to approved tints.

(*b*) The inside of windows and window board is to be painted three coats of oil colour, as described for external work, and the remaining work treated with one coat of approved wood preserving stain to approved tints.

179. External Woodwork.

The whole of the external woodwork is to be carefully knotted with patent knotting and primed before leaving the joiner's shop, and after fixing stopped with hard stopping and painted three coats of oil colour, including the putties of glazing, except where otherwise described.

The feet of rafters and soffit of roof boarding where projecting are to be treated with one coat of wood preserving stain.

180. Backs of Window and Door Frames.

The backs of all window frames and back linings and the backs of external door frames are to be coated with one coat of creosote or other approved material.

181. Glazing Rebates.

All glazing rebates are to be primed.

182. Whitening and Distemper.

Clear-cole and once whiten all ceilings; also all friezes above picture rails.

All wall surfaces, except in coal store, are to be clear-coled and once distempered with washable distemper of approved tints. The coal store is to be twice lime whited.

Any cracks, blisters, or other imperfections in the plaster work are to be cut out, carefully stopped, and made good before any distempering is put in hand.

183. General.

Clean down the external faces of buildings, wash off stains, clear off marks of mortar and cement, clean windows inside and outside, scrub pavings and floors, clear away rubbish and waste materials, and leave all parts of the premises clean and perfect at the completion of the work.

NOTE.—Attention may be called here to General Housing Memorandum No. 2 (D85), under which instructions are given for the ranking for financial assistance of the salaries and wages of a local authorities' staff engaged whole time or part time on an Assisted Housing Scheme. The Ministry of Health are also to issue a memorandum with regard to fees payable to architects and surveyors in private practice.

CONTRACTS.

MODEL FORMS OF TENDER AND AGREEMENT, WITH CONDITIONS OF CONTRACT AND SCHEDULE PRICES, INTENDED TO BE GENERALLY ADOPTED IN CONNECTION WITH STATE-AIDED HOUSING SCHEMES.

FORM OF TENDER

The party tendering is to fill up and sign the following on the line marked (*) adding thereto his address :—

To .....

I (or We), the undersigned, do hereby Tender and undertake to perform, provide, execute, and do all the works, materials, matters and things, and within the time or times described or mentioned in the Form of Contract and the Schedules thereto, and the Drawings therein referred to (all of which have been produced to and carefully examined by Me (or Us)) in a thoroughly good and workmanlike manner and in strict accordance with, and under and subject to the terms, provisions, and conditions set forth or mentioned in the said Form of Contract, and the Schedules thereto, and the Drawings therein referred to, for the price or sum of*
including all provisional sums mentioned in the Bills of Quantities and all contingencies, and also to provide such labour and materials for work paid for at day-work prices as may be required and as provided in Clause 15 of the Conditions of Contract at or for † per cent. above the current district rates paid to the workpeople employed and † per cent. above the net cost of materials, such percentage to include all insurances, establishment charges, superintendence, use of tools, and scaffolding, travelling expenses, and profit, and I (or We) further undertake and agree within 10 days after the acceptance of this Tender to execute and deliver a Contract in the form of the said Form of Contract and the Schedules thereto.

And I (or We) declare that the Schedule of Prices attached hereto and marked Schedule 4 correctly sets forth the net prices upon which adjustments in the Contract Price, as regards items for which the nominal prices have been inserted in the Bills of Quantities, are to be made, *and also the net rates of labour and prices of material upon which the Bills of Quantities have been priced.*‡

As Witness My (or Our) Hand(s), this day of
One thousand nine hundred and

(*) *Signature*.....

Address.....

.....

The following are the names and addresses of My (or Our) referees as to position and responsibility.§

1. (Bankers) .....
2. .....
3. .....

* Amount to be written in words, and to correspond with the total of the Bills of Quantities.

† Percentage rate to be written in words.

‡ The words in italics are to be omitted if Clause 40 does not form part of the Conditions of Contract.

§ Sureties may be required.

ALTERNATIVE FORM OF TENDER.

Should the party tendering desire to tender for less that the total amount of work as set forth in the Bills of Quantities forming Schedule 3 attached to the Form of Contract, he is to fill up and sign the following on the line marked (*), adding thereto his address :—

To.....

I (or We), the undersigned, do hereby Tender and undertake to perform, provide, execute, and do so much of the works, materials, matters and things, and within the time (or times) described or mentioned in the Form of Contract and the Schedules thereto, and the Drawings therein referred to (all of which have been produced to and carefully examined by Me (or Us)) as are contained in Bill (s) No(s).
of the Bills of Quantities forming Schedule 3 of the above-mentioned Schedules, in a thoroughly good and workmanlike manner and in strict accordance with and under and subject to the terms, provisions, and conditions set forth or mentioned in the said Form of Contract and the Schedules thereto, and the Drawings therein referred to, for the price or sum of*

including all provisional sums mentioned in the said Bill(s) No(s).
of the Bills of Quantities and all contingencies, and also to provide such labour and material for work paid for at day-work prices, as may be required and as provided in Clause 15 of the Conditions of Contract at or for† per cent. above the current district rates paid to the workpeople employed and† per cent. above the net cost of materials, such percentage to include all insurances, establishment charges, superintendence, use of tools and scaffolding, travelling expenses, and profit; and I (or We) further undertake and agree within 10 days after the acceptance of this Tender to execute and deliver a Contract in the form of the said Form of Contract and the Schedules thereto.

And I (or We) declare that the Schedule of Prices attached hereto and marked Schedule 4 correctly sets forth the net prices upon which adjustments in the Contract Price, as regards items for which nominal prices have been inserted in the Bills of Quantities, are to be made, *and also the net rates of labour and prices of materials upon which the Bills of Quantities have been priced.*‡

As witness My (or Our) Hand(s), this day of
One thousand nine hundred and

(*) Signature.....

Address.....

.....

The following are the names and addresses of My (or Our) referees as to position and responsibility.§

1. (Bankers) .....
2. .....
3. .....

---

* Amount to be written in words, and to correspond with the total of the Bill or Bills of Quantities covered by the Tender.

† Percentage rate to be written in words.

‡ The words in italics are to be omitted if Clause 40 does not form part of the Conditions of Contract.

§ Sureties may be required.

NOTE.

With a view to affording facilities for Tenders being given for a small number of houses and not necessarily for the whole of a scheme, Bills of Quantities should be sub-divided. The following is given as an example :—

	Price per Block of Houses. £ s. d.	Total. £ s. d.
(a) *Blocks of Class "A" Houses—		
Bill No. (1) 10 blocks of 2 houses each		
(2) 4 blocks of 3 houses each		
(3) 5 blocks of 4 houses each		
(b) *Blocks of Classes "A" and "B" (combined)—		
Bill No. (4) 6 blocks of 2 houses each		
(5) 4 blocks of 4 houses each		
(6) 5 blocks of 6 houses each		
(c) *Blocks of Classes "A" and "B 4" (combined)		
Bill No. (7) 4 blocks of 4 houses each		
(8) 6 blocks of 6 houses each		
(d) *Blocks of Class "B"—		
(Particulars as above)		
(e) *Blocks of Classes "B" and "B 4" (combined)—		
(Particulars as above)		
(f) *Blocks of Class "B 4"—		
(Particulars as above)		
(g) *Other Classes (specifying them)		
Total		£

Date

* Tenderers will strike out any blocks not tendered for.

The numbering of the Bills should be such that easy identification is possible

NOTE.—Should the Contractor have tendered for a portion only of the total works, as set forth in the Bills of Quanities, these Articles must be amended accordingly.

A special clause in the Conditions of Contract adapted to local conditions will also be required to regulate the relations of the several Contractors when more than one are employed on the same site.

FORM OF CONTRACT.

ARTICLES OF AGREEMENT made the .....day of.....19.....

BETWEEN .....

(hereinafter called "the Employer") of the one part and.....

.....

(hereinafter called "the Contractor") of the other part.

WHEREAS the Employer in pursuance of its statutory powers in that behalf is desirous of having erected.....

at .....

and has caused Drawings and a Specification describing the work to be done to be prepared by..... its Architect;

and Bills of Quantities to be prepared by.....

And Whereas the said Drawings Nos. 1 to inclusive and the Specification, the Bills of Quantities and the Schedule of Prices attached to these presents and marked Schedules 2, 3, and 4, respectively, have been signed by or on behalf of the parties hereto.

And Whereas the Contractor has agreed to execute upon and subject to the Conditions and within the time or times set forth in the Schedule marked 1 hereto (hereinafter referred to as "the said Conditions") the works shown upon the said Drawings and described in the said Specification and Bills of Quantities for the sum of £.....

.....

Now it is hereby agreed as follows:—

1.—In consideration of the sum of.....

.....

to be paid at the times and in the manner set forth in the said Conditions, the Contractor will within the time or times referred to in, and upon and subject, to the said Conditions execute and complete the works shown upon the said Drawings and described in the said Specification and Bills of Quantities.

2.—The Employer will pay the Contractor the said sum of.....

.....

or such a sum as shall become payable hereunder at the times and in the manner specified in the said Conditions.

3.—No person subsequently appointed to be Architect under this Contract shall be entitled to disregard or overrule any decision, approval, or direction given or expressed by the Architect for the time being.

4.—The said Conditions shall be read and construed as forming part of this agreement and the parties hereto will respectively abide by and submit themselves to the conditions and stipulations and perform the agreements or their parts respectively in the said conditions contained.

AS WITNESS, etc.

SCHEDULE I.

CONDITIONS OF CONTRACT

1. *Interpretation.*—In the following Conditions the expression "Employer" shall mean the ; "The Clerk" shall mean the Clerk for the time being of the , "The Architect" shall mean Mr. or other the person or persons appointed by the employer to superintend the erection and completion of the Works; "The Quantity Surveyor" shall mean Mr. or other the person or persons appointed by the Employer to prepare or amend or assent to any modifications in the Bills of Quantities; "The Contractor" shall mean ; "The Works" shall mean the several works, matters, and things, comprised or referred to in these Conditions, the Drawings, Specification, Bills of Quantities and Schedule of Prices, and intended to be executed and performed by the Contractor. The singular number shall include the plural, and the masculine gender shall include the feminine.

2. *Execution of Works.*—The Contractor shall properly execute and shall provide everything necessary for the proper execution of the works to the reasonable satisfaction of the Architect, in accordance with the signed Drawings and Specifications and Bills of Quantities, and in accordance with such further drawings, details, instructions, directions, and explanations as may from time to time be furnished or given to the Contractor by the Architect. If the Contractor finds any discrepancy in the Drawings or between the Drawings and Specification, he shall immediately refer the matter to the Architect, who shall finally decide which shall be followed. Figured dimensions are to be followed in preference to the scale.

If the work shown on any such further drawings or details, or necessary to comply with any such instructions, directions, or explanations, be, in the opinion of the Contractor, extra to or in excess of that comprised in the Contract, he shall, before proceeding with such work, give to the Architect immediate notice in writing to this effect and in such notice he shall furnish the Architect with particulars of any claim made by him in respect thereof.

In the event of the Contractor being able to show that before the receipt of such further drawings, details, instructions, directions, and explanations given by the Architect as aforesaid he had properly prepared or bought materials for the purpose of the original Contract and will thereby suffer loss, such loss shall be borne by the Employer.

In the event of the Architect and Contractor failing to agree as to whether or not there is any extra or excess, and of the Architect deciding that the Contractor is to carry out the said work, the Contractor shall accordingly do so, and the question whether or not there is any extra, and, if so, the amount thereof, shall, failing agreement, be settled by the Arbitrator as provided in Clause 39.

3. *Drawings and Specification.*—The signed Drawings and Specification and the priced Bills of Quantities shall remain in the custody of the Architect and shall be produced by him as and when required, but, as regards the priced Bills of Quantities, only to the Employer's nominee,

the Quantity Surveyor, the Contractor, and a duly authorised Officer of the Ministry of Health.

4. *Copies of the Drawings and Specification.*—One complete copy of all Drawings and of the Specification shall be furnished by the Architect free of cost to the Contractor for his own use. The Architect shall furnish to the Contractor, within
days after the receipt by him of a request for the same, any details which in the opinion of the Architect are necessary for the execution of any part of the work, such request to be made only within a reasonable time before it is necessary to execute such work in order to fulfil the Contract. Such copies and details shall be kept on the works until the completion thereof, and the Architect or his representative shall at all reasonable times have access to the same, and they shall be returned to the Architect by the Contractor on the completion of the Contract.

5 *Copy of Estimate.*—The Contractor shall on the signing of the Contract furnish the Architect with a verified copy of the fully priced Bills of Quantities forming the original estimate, but such Bills of Quantities shall be used for the purpose of the Contract only, and shall not be disclosed by the Architect to any person other than those mentioned in Clause 3 hereof.

6. *Local and other Authorities, Byelaws, etc.*—The Contractor shall conform to the provisions of every Act of Parliament relating to the works, and to the regulations and bye-laws of any Local Authority so far as is necessary, and of any Water and Lighting Companies with whose systems the structure is proposed to be connected, and shall, before making any variation from the Drawings or Specification that may be necessitated by so conforming, give to the Architect written notice, specifying the variation proposed to be made, and the reason for making it, and applying for instructions thereon. In case the Contractor shall not in due course receive such instructions he shall proceed with the work, conforming to the provision, regulation or bye-law in question, and any variation so necessitated shall be dealt with under Clause 15. The Contractor shall give all notices required by the said Acts, Regulations or bye laws to be given to any Local Authority, and pay all fees payable to any such Authority, or to any Public Officer in respect of the works.

7. *Setting out Work.*—The Contractor shall set out the works, and during the progress of the building shall, unless the Architect shall decide to the contrary, amend at his own cost any errors arising from inaccurate setting out.

8. *Materials, etc., to conform to Specification.*—All materials and workmanship shall be of the respective kinds described in the Specification, or if none are specified then the best kinds available, and the Contractor shall upon the request of the Architect furnish him with vouchers to prove that the materials are such as to comply with these requirements.

9. *Foreman.*—The Contractor shall keep constantly on the works a competent agent or general foreman, and any directions or explanations given by the Architect to such agent or foreman shall be held to have been given to the Contractor.

10. *Dismissal of Workmen by Architect.*—The Contractor shall, on the request of the Architect, immediately dismiss from the works any person employed thereon by him who may in the opinion of the Architect be incompetent or misconduct himself, and such person shall not be again employed on the works without the permission of the Architect.

11. *Access for Architect to Works.*—The Architect and any person authorised by him on behalf of the Employer, and any duly authorised Officer of the Ministry of Health, shall at all reasonable times have access to the works, and the Architect and his representatives shall at like times have access to the workshops of the Contractor or other places where the work is being prepared for the buildings.

12. *Clerk of Works.*—The Clerk of Works shall be considered to act solely as Inspector on behalf of the Employer and under the Architect, and the Contractor shall afford him every facility for examining the works and materials.

13. *Variations and Extras.*—The Contractor shall, when instructed by the Architect, or as provided by Clause 6, vary by way of extra or omission from the Drawings or Specification; such instruction is to be sufficiently proved by any writing or drawing signed by the Architect or by any subsequent written approval by him. No claim for an extra shall be allowed unless it shall have been executed under the provisions of Clauses 2 or 6 or by the authority of the Architect as herein mentioned. Any such extra is hereinafter referred to as an authorised extra. No variation shall vitiate the Contract.

14. *Errors in Bills of Quantities.*—Should any error appear in the Bills of Quantities other than in the Contractor's prices and calculations, it shall be rectified, and such rectification shall constitute a variation of the Contract, and shall be dealt with as hereinafter provided.

15. *Price for Extras: how ascertained.*—All authorised extras for which a price may not have been previously agreed, and any omission which may have been made with the knowledge of the Architect, or without his knowledge, provided he subsequently give a written sanction to such omission, shall be measured and valued, as herein provided, by the Architect or Quantity Surveyor; and a copy of the Bill or statement of such measurement and valuation shall be given to the Contractor. The variations shall be valued at the rates contained in the priced Bills of Quantities or, where the same may not apply, at rates proportionate to or based upon the prices therein contained. If, in the opinion of the Architect, the work cannot be properly measured and valued, day work prices shall be allowed therefor, provided that vouchers specifying the time and materials employed shall have been delivered for verification to the Architect, or his nominee, at or before the expiration of the week following that in which such work shall have been done. The prices to be allowed for day work shall be, for labour, the actual net wages at current district rates of wages paid to the workpeople employed, and, for materials, the net cost of such materials, with an addition thereto of per cent. in the case of labour and per cent. in the case of materials, to cover all insurances, establishment charges, superintendence, use of tools and scaffolding, travelling expenses, and profit. The amount to be allowed on either side in respect of the variations so ascertained shall be added to or deducted from the contract sum as the case may be.

16. *Bills of Quantities: Expenses of.*—The fees for the Bills of Quantities and variations and the Quantity Surveyor's expenses (if any) shall be payable by the Employer. The fees of any Quantity Surveyor employed by the Contractor shall be payable by the Contractor.

17. *Plant, etc., not to be removed.*—All plant, tackle, and materials used by the Contractor in the performance of his part of this contract shall in all cases, from the time at which they or any of them may be brought upon the site until no longer required for completing the works, be deemed to be the property of the Employer, and the Contractor shall

not remove the same nor any part thereof without the written authority of the Architect, but such authority shall not be unreasonably withheld.

18. *Power to Architect to order Removal of Improper Work.*—The Architect shall, during the progress of the works, have power to order in writing from time to time the removal from the works, within such reasonable time or times as may be specified in the order, of any materials which, in the opinion of the Architect, are not in accordance with the Specification or the instructions of the Architect, the substitution of proper materials, and the removal and proper re-execution of any work executed with materials or workmanship not in accordance with the Drawings and Specification or instructions, and the Contractor shall forthwith carry out such order at his own cost. In case of default on the part of the Contractor to carry out such order, the Employer shall have power to employ and pay other persons to carry out the same; and all expenses consequent thereon or incidental thereto incurred by the Employer shall be recoverable by him from the Contractor as liquidated and ascertained damages, or may be deducted by the Employer from any moneys due or to become due to the Contractor.

19. *Defects after completion.*—Any defects, shrinkage, or other faults which may appear within months from the completion of the works, and are due to the materials or workmanship supplied by the Contractor or by any sub-contractor nominated, selected, or approved by the Architect under Clause 34 hereof not being in accordance with the Drawings and Specification or the instructions of the Architect, and any damage to pointing by frost appearing within the like period, shall, upon the directions in writing of the Architect, and within such reasonable time as shall be specified therein, be amended and made good by the Contractor at his own cost, unless the Architect shall decide that he ought to be paid for same, and in case of default the Employer may employ and pay other persons to amend and make good such defects, shrinkage, or other faults or damage, and all expenses consequent thereon or incidental thereto incurred by the Employer shall be recoverable by him from the Contractor as liquidated and ascertained damages, or may be deducted by the Employer from any moneys due or to become due to the Contractor.

20. *Work to be opened up at request of Architect.*—The Contractor shall, at the request of the Architect within such time as the Architect shall name, open for inspection any work covered up; and should the Contractor refuse or neglect to comply with such request, the Architect may employ other workmen to open up the same. If the said work has been covered up in contravention of the Architect's instructions, or if on being opened up it be found not in accordance with the Drawings and Specification or the instructions of the Architect, the expenses of opening and covering it up again, whether done by the Contractor or such other workmen, shall be borne by, or recoverable from, the Contractor, or may be deducted as aforesaid. If the work has not been covered up in contravention of such instructions, and is found in accordance with the said Drawings and Specification or instructions, then the expenses aforesaid shall be borne by the Employer, and if the opening and covering up again have been done by the Contractor, shall be added to the contract sum; Provided always that in the case of foundations, or of any other urgent work so opened up and requiring immediate attention, the Architect shall, within a reasonable time after receipt of notice from the Contractor that the work has been so opened up, make or cause the inspection thereof to be made, and at the expiration of such time, if such inspection shall not have been made, the Contractor may cover up the same, and shall not be required to open it up again for inspection except at the expense of the Employer.

21. *Assignment or Sub-letting.*—The Contractor shall not, without the written consent of the Employer or the Architect on behalf of the Employer, assign this agreement or sub-let any portion of the Works.

22. *Damage to Person and Property.*—The Contractor shall be responsible for all damage to property, and for injury to persons, animals, or things, caused by the works or workmen, and shall indemnify the Employer against any claims or proceedings in respect thereof and also against any claims or proceedings made at Common Law or under any Act or Acts of Parliament, including the Fatal Accidents Act, 1846, the Employers' Liability Act, 1880, and the Workmen's Compensation Act, 1906, or any amendment thereof, by any person in the employ of the Contractor or of any Sub-contractor or any person claiming through such person. And further the Contractor shall, if and when required by the Employer so to do, secure the due performance of these indemnities either by entering into such policy or policies of insurance as the Employer shall approve, or by otherwise securing the Employer to its entire satisfaction against any liability hereunder. The policy or policies and receipts for premiums shall be produced to the Architect from time to time upon request, and in case of failure to do so the Employer shall be entitled to insure and deduct the amounts of the premiums from any sums due to the Contractor. The Contractor shall also be responsible for all injuries caused to the buildings, the subject of this Contract, by frost or other inclemency of weather, and shall reinstate all damage caused by the same.

23. *Extraordinary Traffic.*—The Employer shall be responsible for all damage or injury which may be caused to any streets or roads through extraordinary traffic arising out of the proper execution and carrying out of the works. The Employer shall indemnify the Contractor against all claims or proceedings in respect thereof which may be made or brought against the Contractor, and from all losses or expenses which he may suffer, incur, or be put to in the event of any such damage or injury being occasioned, except in any case in which the Contractor uses vehicles of an improper nature or design or loads any vehicle in an improper manner.

24. *Fire Insurance and Care of Works.*—From the commencement until the delivering up of the works the care of the same shall rest entirely with the Contractor, and he shall be responsible for anything that may be lost, stolen, or damaged by accident, fire, carelessness, defective works, or in any other way, and he shall insure the same against fire to the full value thereof in the joint names of the Employer and the Contractor in a Fire Insurance Office to be approved by the Employer and pay all expenses incurred thereby.

The Policy and receipts for premiums from time to time shall be deposited with the Architect on behalf of the Employer. All moneys received under any such policies are to be applied in or towards the rebuilding, reinstatement, or reparation of the works destroyed or injured. In case of failure of the Contractor to effect and maintain such insurance the employer shall be at liberty to insure, and deduct the amount of the premiums paid from any moneys payable to the Contractor.

25. *Date of Completion.*—Possession of the site (or premises) shall be given to the Contractor on or before the day of

He shall commence the works immediately after such possession, shall regularly proceed with them, and shall complete the same or parts of the same in the order and by the dates set out below :—

26. *Damages for non-completion.*—If the Contractor fail to complete any part of the works by the date specified in the preceding clause as

the date of completion for that part, or within any extended time allowed by the Architect under these conditions, and the Architect shall certify in writing that the works could reasonably have been completed by the said dates or within the said extended time, the Contractor shall pay or allow to the Employer the sum of sterling per week as liquidated and ascertained damages for every week beyond the said dates of extended time, as the case may be, during which the works shall remain unfinished, except as provided by Clause 27, and such damages may be recovered from the Contractor by the Employer or may be deducted by the Employer from any moneys due or to become due to the Contractor.

27. *Extension of Time.*—If in the opinion of the Architect the works be delayed by *force majeure* or by reason of any exceptionally inclement weather, or by reason of instructions from the Architect in consequence of proceeding taken or threatened by or disputes with the adjoining or neighbouring owners, or by the action or delay of other Contractors or tradesmen engaged or nominated by the Employer or the Architect, and not referred to in the Specification, or by reason of authorised extras or additions, or in consequence of any notice properly given by the Contractor in pursuance of Clause 2, or by reason of any local combination of workmen or strike or lock-out affecting any of the Building trades, or in consequence of the Contractor not having received in due time necessary instructions from the Architect for which he shall have specifically applied in writing, the Architect shall make a fair and reasonable extension of time for completion in respect thereof. In case of such strike or lock-out, the Contractor shall, as soon as may be, give to the Architect written notice thereof. But the Contractor shall nevertheless use his best endeavours to prevent delay and shall do all that may reasonably be required to the satisfaction of the Architect to proceed with the works.

28. *Suspension of Works by Contractor.*—If the Contractor, except on account of any legal restraint upon the Employer preventing the continuance of the works, or on account of any of the causes mentioned in Clause 27, or in case of a certificate being withheld or not paid when due, shall suspend the works, or in the opinion of the Architect shall neglect or fail to proceed with due diligence in the performance of his part of the Contract, or if he shall more than once make default in the respects mentioned in Clause 18, the Architect acting on behalf of the Employer shall have power to give notice in writing to the Contractor requiring that the works be proceeded with in a reasonable manner and with reasonable dispatch. Such notice shall not be unreasonably or vexatiously given, and must signify that it purports to be a notice under the provisions of this Clause, and must specify the act or default on the part of the Contractor upon which it is based. If the Contractor shall fail for days after such notice has been given to proceed with the works as therein prescribed, the Employer may enter upon and take possession of the works and site and of all plant and materials thereon (or on any ground contiguous thereto) intended to be used for the works, and all such materials and plant shall thereupon become the property of the Employer absolutely save as respects plant and material (if any) required by the Employer to be removed by the Contractor as hereinafter in this Clause provided. If the Employer shall exercise the above power he may engage any other person to complete the works and exclude the Contractor, his agents and servants from entry upon or access to the same, except that the Contractor or any one person nominated by him may have access at all reasonable times to inspect, survey, and measure the works. And the Employer shall take such steps as in the opinion of the Architect may be reasonably necessary for completing the works without undue delay or expense,

using for that purpose the plant and materials above mentioned in so far as they are suitable and adapted to such use. Upon the completion of the works, the Architect shall certify the amount of the expense properly incurred consequent on and incidental to the default of the Contractor as aforesaid, and in completing the works by other persons. Should the amount so certified as the expenses properly incurred be less than the amount which would have been due to the Contractor upon the completion of the work by him, the difference shall be paid to the Contractor by the Employer; should the amount of the former exceed the latter, the difference shall be paid by the Contractor to the Employer. The Employer shall not be liable to make any payment or compensation to the Contractor for or on account of the proper use of the plant for the completion of the works under the provisions hereinbefore contained other than such payment as is included in the Contract price. After the works shall have been so completed by persons other than the Contractor under the provisions hereinbefore contained, the Employer shall give notice to the Contractor of such completion and may require him from time to time, before and after such completion, to remove any plant and materials as aforesaid as may not have been used in the completion of the works from the site. If such plant and materials are not removed within a reasonable time after notice shall have been given, the Employer may remove and sell the same, holding the proceeds, less the cost of the removal and sale, to the credit of the Contractor.

29. *Bankruptcy Clause.*—If the Contractor shall become bankrupt or insolvent, or enter into liquidation, whether compulsory or voluntary (except liquidation for the purposes of reconstruction), or shall suffer execution for debt in any court of law, or shall propose any composition with his creditors for the settlement of his debts, or shall enter into, make, or execute any Deed or Agreement as defined by the Deeds of Arrangement Act, 1914, or shall carry on, or shall propose to carry on, his business under inspectors on behalf of his creditors, or shall commit any act of bankruptcy, the Employer may require the Works to be proceeded with, and if this requisition be not satisfactorily complied with within seven days from the date of the Architect's notice to that effect, the Employer may by notice to the Contractor in writing under the hand of the Clerk rescind the Contract, whereupon the same shall be at an end, and the Employer shall thereupon have power to enter upon and complete the same itself or enter into a fresh contract with any other person or firm for the completion of the same, without prejudice to its rights to recover from the Contractor or his sureties (if any) any damages under the Contract for the default of the Contractor, and the loss sustained by the Employer.

30. *Wages and Hours of Labour.*—The Contractor and all sub-contractors executing the works shall at all times during their execution pay to the whole of their workpeople neither more nor less than the Trade Union or standard rate of wages in the several districts where their work people are actually engaged in the execution of the works, as agreed upon by the National Board of Conciliation for the Building Trades and confirmed by the Government, and shall also observe the hours and conditions of labour as well as the aforesaid rate of wages agreed upon and confirmed as aforesaid.

In case of breach of this contract, the Employer shall have power to determine the contract.

The Contractor and all sub-contractors shall keep proper wages and time books showing the wages paid to and the time worked by the workpeople in their employment in and about the execution of this Contract and such wages and time books shall be produced whenever

required for the inspection of any Officer authorised by the Employer or the Ministry of Health.

Should the Employer have reasonable grounds for believing that the above conditions are not being complied with, the Contractor and sub-contractors shall be required to produce proof (to the satisfaction of the Employer) of their compliance with the said conditions.

31. *"Prime Cost" and "Nominal Prices," meaning of.*—The term P.C. shall mean the net prime cost delivered on to the site of articles or works to be obtained and fixed by the Contractor, inclusive of all packing and carriage. The Contractors shall allow for all profit and fixing (except where otherwise specified), and shall not be entitled to any trade or other discount except a cash discount not exceeding two and a half per centum. The Bills of Quantities contain instructions that the prices for items involving the use of (1) bricks, slates, drain pipes, cement, and glass, and (2) in some cases cast iron rain water goods, cast iron baths, coppers, stoves, ranges, sanitary ware, doors, window frames, and ironmongery are to be based on what are called "nominal prices." Prices for these items have been inserted in the Bills of Quantities and described as such. The terms P.C. shall not apply to any materials or articles for which nominal prices, as defined in Clause 40, appear in Schedule 4 or the Bills of Quantities.

32. *Royalties and Patent Rights.*—The Contract sum shall include all royalties or other sums payable in respect of the supply and use in carrying out the works of any patented articles, processes, or inventions which have been included, but the Contractor shall be reimbursed the cost of royalties or such other sums payable in respect thereof if any articles on which royalties or such sums are payable are ordered subsequent to the signing of the Contract and for which no specific prices appear in the Bills of Quantities.

The Contractor shall indemnify the Employer from and against all claims, proceedings, damages, costs, and expenses which may be brought or made against the Employer, or to which he may be put by reason of the Contractor infringing or being held to infringe or to have infringed any patent or patent rights in relation to any such articles, processes, and inventions, and in the event of any injunction being obtained against the use of the same the Contractor shall forthwith replace the same with such other materials, apparatus or appliances, as the case may be, satisfactory to the Employer, which do not or will not infringe any such injunction or any patents or patent rights.

33. *Provisional Amounts.*—The Architect shall have power, in case of all or any sums included in the Contract by way of provision, to have the works referred to in such provision executed by some other person or persons than the Contractor, and to give certificates for payment of the cost of such works in favour of any person or persons so employed, and the Employer shall have authority to pay such person or persons the certified amount or amounts direct, and to deduct in such cases the provisional amounts from the sum then due to the Contractor under the Contract.

34. *Sub-contractor.*—All specialists, merchants, tradesmen, or others executing any work, or supplying any goods for which prime cost prices or provisional sums are included in the Specification or Bills of Quantities, who may at any time be nominated, selected, or approved by the Architect, are hereby declared to be sub-contractors employed by the Contractor; but no such sub-contractors shall be employed upon the works against whom the Contractor shall make reasonable objection, or who will not enter as a condition of obtaining the order into a contract with the Contractor upon terms and conditions consistent with those in this Contract, and securing the due performance and maintenance of the

work supplied or executed by such sub-contractor, and indemnifying the Contractor against any claim arising out of the misuse by the sub-contractor or his workmen of any scaffold erected or plant provided by the Contractor, or any claim made against the Contractor in consequence of any act, omission, or default of the sub-contractor, his servants or agents, and against any claim either at Common Law or under any Act or Acts of Parliament, including the Fatal Accidents Act, 1846, the Employers' Liability Act 1880, and the Workmen's Compensation Act, 1906, by any person in the employ of such sub-contractor or any person claiming through such person.

Payment shall be made by the Contractor to such sub-contractor (except in cases where the Employer decides to pay any such sub-contractors direct) upon the Certificate of the Architect only, within seven days of the date of such Certificate and provided that the amount of such Certificate shall have been included and stated to have been so included in a certificate issued to the Contractor, and that the Contractor shall have received payment thereof.

35. *Settlement of Accounts.*—In settlement of accounts at completion of Contract the Contractor will, as regards provisional sums and unless otherwise specified, only be allowed the profit which he has included in his estimate, but should more or less than the sums provided be expended, a proportionate addition to, or deduction from, the Contractor's profit shall be made. If any such amounts are omitted entirely, then the amount to be deducted shall be the provisional sum included in the estimate, but any profit added by the Contractor shall not be deducted.

36. *The Employer may execute other Works.*—The Employer shall at all times have access to the works and buildings and to other places where work under this Contract is being prepared and may execute and carry on any other works, or may appoint others to execute and carry on such, and the Contractor shall afford reasonable facilities for so doing. If such work impedes or interrupts the Contractor in his progress, he may by giving notice to the Architect at any time during the continuance of the impediment or interruption, claim to be allowed time for the completion of the works or of the part thereof affected in addition to the time specified in Clause 25 hereof, and if the Architect, being satisfied that the claim is a proper one, grants a time order, such additional time as is specified in the order will be allowed. Any time order which the Architect may think fit to grant shall be given by him within 21 days after the delivery of the Contractor's claim. Save as aforesaid, the Employer shall not be liable for any claim made by the Contractor on the ground of any alleged impediment to or interruption in the execution of the works.

37. *Payments.*—No sum of money shall be considered to be due or owing to the Contractor or be recoverable by the Contractor from the Employer unless and until the Architect shall certify in writing the amount thereof and that the Contractor is entitled thereto.

When work to the value of £ has been executed and thereafter at monthly intervals the Architect shall certify in writing to the Contractor and the Employer the various sums which the Contractor is entitled to receive from time to time under this Contract: and he shall issue such monthly certificate not later than the 15th day of each month following that in which the first certificate is given, and the Employer shall within fourteen days of the date of issue of the Certificate pay to the Contractor the sum so certified to be due.

The amount to be certified by the Architect on his first and monthly certificates as due to the Contractor shall be at the rate of 90 per cent. of the value of all work, including authorised extras and day work

executed and materials delivered on the site up to the first day of the month in which payment is made. The balance of 10 per cent. of the value of the work executed and material supplied shall be retained for subsequent payments after completion or occupation of the works until the sum so retained amounts to £ , after which the Contractor shall be entitled to be paid monthly to the full value of all work executed and material supplied as before set out. One moiety of the sum so retained shall be paid (subject to the conditions set out herein) to the Contractor at the completion or occupation of the works, and the other moiety, together with any further sum found due to the Contractor at the final adjustment of the accounts by the Quantity Surveyor, shall be paid months after completion or occupation of the works, provided that all defects are made good for which the Contractor is liable and that he has otherwise discharged his liabilities under the Contract.

Provided that the amounts so agreed to be retained shall be deposited by the Employer as they accrue in a Bank to be agreed between the parties in the name or names of

and it is hereby declared that any interest on such deposits so accruing is the property of the Contractor, and shall be released to him by the Employer at the time of the final payment after completion.

No certificate of the Architect, except that for the final balance, shall be considered conclusive evidence of any works or materials to which it relates nor to the value thereof; nor shall it relieve the Contractor from his liability to make good any defects as provided by these conditions, nor shall it in any way prejudice the Employer in the final settlement of the accounts in any case where the Contractor has been overpaid during the progress of the Works.

If the Architect fails at any of the proper times to certify the sums to which the Contractor is entitled or if the final adjustment of the account is not completed within months after the completion of the works, and the delay in the issue of the said certificates or in the final adjustment of account is not due to the Contractor's failure to submit the necessary detailed particulars and claims before mentioned in a sufficient and reasonable time in which to allow the Architect and Quantity Surveyor to issue such certificate or calculate the final amount due respectively, the Employer shall pay to the Contractor, in addition to the sums which have become due, interest on such sums, calculated at a rate being 1 per cent. above the current Bank Rate, computed from the dates when such sums should have been certified or finally adjusted, as the case may be.

Should the Architect require any detailed particulars on which to base the certificates before mentioned other than the final certificate, it shall be his duty to cause measurements to be made from time to time at the cost of the Employer, and to agree such figures with the Contractor, and such measuring and agreement of figures shall be carried out by the time necessary to enable the Employer to make the payments to the Contractor as herein set out.

If the Employer shall not pay to the Contractor any sum certified by the Architect whether by way of interim or final certificate within the period of fourteen days from the date of such certificate, the Contractor may give written notice to the Employer of such default, and if the Employer shall not pay such sum forthwith after the receipt of such notice the Contractor shall be at liberty to determine the Contract by notice in writing to the Employer and to recover from the Employer payment in full for all work executed and materials supplied and for any loss he may sustain upon any plant or material supplied or purchased

or prepared for the purpose of the Contract, together with loss of profit on that part of the Contract remaining uncompleted.

It case of default by the Employer as aforesaid, the Contractor may at his option retain possession of the works until the sum certified for is paid in full.

If the Architect fails at any of the proper times to certify the sums to which the Contractor is entitled or fails to issue such certificate for sufficient amounts according to the terms of this Contract, the Contractor shall give notice to the Employer of such failure or delay; and the Employer shall take steps to cause a proper certificate to be issued. Should the Architect fail for the second time to issue a proper certificate and the Employer decline or neglect to take such action as shall be necessary to cause such certificate to be issued, the Contractor shall be at liberty to determine the Contract by notice in writing to the Employer and to recover payment in full for all work executed and materials supplied and for any loss he may sustain upon any plant or material supplied or purchased or prepared for the purpose of the Contract, together with loss of profit on that part of the Contract remaining uncompleted.

38 *Payments to Sub-Contractors.*—Should any specialists or other tradesmen be engaged on the works under Clause 34 as appointed sub-contractors, the Architect shall state in any certificate issued by him under the preceding clause the amount or amounts agreed by him with the Contractor and included in respect of the various sub contractors, and the Contractor shall, within seven days after receiving payment of the instalment due to him on the said certificate, pay over to such sub-contractors the amount included for them in such instalment; and the Contractor shall not be entitled to obtain another certificate from the Architect for a further instalment unless and until he satisfies the Architect by the production of vouchers or other sufficient evidence that he has settled with such sub-contractors for the proportion due to such sub-contractors of the instalment paid under the previous certificate granted by the Architect. Further, the Architect shall, on granting a certificate to the Contractor, give intimation to each sub contractor so interested of the granting of such certificate, together with a statement of the amount included therein for his work.

This provision shall not imply or involve any contract between the Employer and the sub contractor or any responsibility or liability on the part of the Employer to the sub-contractor.

39. *Arbitration.*—In all questions and disputes arising under or in connection with this Contract or the execution thereof the decision in writing of the Architect, whether by way of certificate or otherwise, and whether given during the progress of the works or after their completion, shall be binding as Between the Employer and the Contractor. Provided that, except where the Architect's decision is stated to be final, it shall be open to either party within three days after receiving notice of such decision to require by notice in writing to the other party that the matter in dispute be settled by arbitration, and the matter shall thereupon be referred to the arbitration and final decision of and the decision of the Arbitrator shall be binding and conclusive upon the Employer and the Contractor.

40. (*a*) *Nominal Prices.*—The term "Nominal Prices" is used in these conditions to denote prices which, under arrangements described in Schedule IV. hereto and made with the Director of Building Materials Supply, are fixed and not subject to variation. The provisions of this Clause do not apply to materials for which nominal prices are inserted in the Bills of Quantities, nor to materials held in stock by the Contractor

at the date of the delivery of his tender or the subject of firm contracts made by the Contractor at that date for delivery to him during the period of the contract.

(*b*) *Adjustment of Contract price due to change in cost of labour.*—If between the date of delivery of the Contractor's tender and the date of completion of the works comprised in the Contract, alterations in the rates of wages of the trades engaged in carrying out this Contract or any sub-contracts thereunder shall be agreed upon by the National Board of Conciliation for the Building Trades and confirmed by the Government, such alterations shall be made and given effect to in the wages paid to workmen employed on this Contract or sub-contracts and the sum payable in respect of the works comprised in the Contract or sub-contracts shall be proportionately increased or decreased, as the case may be, to cover the aforesaid alterations in wages and any consequent variations in insurance payments relating thereto, but on the basis that any adjustment of the contract price due to such increase or decrease in the wages paid as compared with those ruling at the date of delivery of the Tender shall be a net addition or deduction, as the case may be, without any increase or decrease of profit by reason of such alterations in wages.*

(*c*) *Adjustment of Contract price due to change in cost of materials.*—If between the date of delivery of the Contractor's tender and the date of the completion of the works comprised in this Contract alterations shall take place in the cost of any materials which are used in the execution of the said works and to which this Clause relates, then the sum payable to the Contractor shall be proportionately increased or decreased as the case may be to cover the aforesaid alterations in cost, but on the basis that any adjustment of the Contract price shall, as in the case of alterations in wages under the preceding paragraph, be a net addition or deduction, as the case may be, without any increase or decrease of profit.

(*d*) *Deposit of a Schedule of Prices and its subsequent use.*—For the purpose of this Clause the Contractor in a Schedule of Prices to be attached to the Tender shall affix rates and prices both for labour and for materials (not being materials for which nominal prices appear), which rates and prices shall be deemed to be the rates and prices ruling at the date of the Tender, and shall furnish the Employer or a duly authorised Officer of the Ministry of Health with such evidence as the Employer or such Officer may require as to the actual rates and prices

* With reference to this condition, the Ministry of Health say, in General Housing Memorandum No. 10 (D 105):—"Owing to the present uncertainty as regards costs of labour and materials, it has been deemed desirable to include in the conditions of contract provisions for the adjustment of the contract price in the event of changes in rates of labour or costs of material during the currency of the contract. The Ministry consider that such provisions should be regarded as a purely temporary measure, and in their opinion it is very desirable that the system of firm contracts formerly obtaining in the building trade should be reverted to at the earliest possible date. With this object in view, the provisions as to adjustments referred to are to be regarded as transitory provisions, and it is hoped that there may be a gradually increasing number of cases in which a contract can be let at a firm price without the insertion of these provisions." Where this clause as to adjustment is included, it is necessary that a schedule of prices showing prices of material and rates of labour ruling at the date of the contract and on which the tender is based should be filled in. This document is designated the "Schedule of Prices." It should be issued with the forms of tender and returned duly completed with the tender—or at least before the tender is accepted. If the tender is accepted the schedule should subsequently be attached as a separate document to the contract.

paid both for labour and materials employed and furnished by the Contractor or sub-contractor for comparison with those quoted in the Schedule of Prices and for purposes of adjustment of the Contract price.

(*e*) *Proviso as to an increase in cost of certain materials.*—Provided that in the event of a rise in price of materials to which this Clause relates by reason of which an adjustment in the Contract price is claimed by the Contractor, the Contractor shall give notice thereof before purchases of such materials are made and produce such evidence as the Employer or a duly authorised Officer of the Ministry of Health may consider satisfactory that the addition to the contract price is not due to any unreasonable delay or failure on the Contractor's part to purchase the materials before the rise occurred.

(*f*) *Meaning of the terms "materials" and "labour."*—For the purposes of this Clause the term "materials" means materials or manufactured articles intended to be used on the Contract, but only in the state, condition, or form in which the contractor or any sub-contractor usually purchases them in the ordinary course of his business for conversion, manufacture, laying, or fixing by workpeople directly employed by him. The term "materials" also includes charges for rail or water transport. The term "labour" means the wages of workpeople (including insurance payments in respect thereof) directly employed by the Contractor or any sub-contractor, whether on the site or elsewhere, for the purposes of this Contract; the term "labour" also includes the cost of the hire or use of horses, carts, motor conveyances, and steam rollers, and of the fuel consumed therein.

(*g*) *Plant, scaffolding, etc.*—Nothing contained in this Clause shall be held to imply that any variation in the sum payable in respect of the works comprised in the Contract or sub-contracts will be made by reason of any alterations taking place in the cost of plant, scaffolding, tackle, and appliances brought to and temporarily used upon the site and ultimately removed by and belonging to the Contractor or sub-contractors. Such alterations, if any, shall be held to be included in the contract price.

41. *Notices.*—Any notice required or authorised by these conditions to be given by one party to the other, or by the Contractor to the Architect, or the Architect to the Contractor, shall be given in writing, delivered at or sent by registered letter to the office of the Employer or of the Architect, or the place of business of the Contractor, as the case may require.

SCHEDULE 4.

SCHEDULE OF PRICES.

MATERIALS TO BE SUPPLIED BY DIRECTOR OF BUILDING MATERIALS SUPPLY.

Items 1, 2, 3, 4, 5, etc., below are materials for which "nominal prices" corresponding respectively to the rates quoted in column (*a*) Table I. have been inserted in the Bills of Quantities. The supply of these materials may be arranged for and made by the Director of Building Materials Supply (hereinafter referred to as "D.B.M.S."), Caxton House, Tothill Street, London, S.W. 1, it being intended,

though not guaranteed, that supplies will as to origin be made from the manufacturer's or seller's yard, depot or storage place at the places indicated below.

*Item.	Material.	Place and name of manufacturer from whom the material will be supplied through D.B.M.S.
1		
2		
3		
4		
5		
etc.		

* The Local Authority should specify against each item the locality and names of the place and manufacturer from whom the material will be supplied through D.B.M.S.

In the case of cast iron goods, and glass where supplied in lots to the value of 70/- and upwards, the nominal prices will include for delivery within the railway free cartage area at the railway station nearest the destination to which the articles are to be supplied.

In the case of all other material supplied through D.B.M.S., the nominal prices will include carriage to railway depot nearest to the sphere of operations of the building contractor, or such depot as may be mentioned in the Contract. Cartage from the depot, including loading there and unloading or stacking, or storage on the site, will be included by the Contractor in his tender. From the time the goods leave the manufacturer's premises or the premises where the manufacturer has stacked or stored them, they will be under the charge of the Contractor, who must make proper arrangements for their conveyance to the building site.

The Contractor is to insert in column (*b*) Table I. the respective rates at which he will load up materials supplied by D.B.M.S. at the respective railway depot, wharf, or dock (if rail or water borne), cart them to the site, unload, stack, and store them there, and assume responsibility for the charge of materials during transit as mentioned in the preceding paragraph.

The Contractor is to prepare his own requisition for materials to be supplied by D.B.M.S., and, after approval and certification by the Architect, is to forward them to D.B.M.S. In making up the Contractor's interim and final accounts for the works any materials supplied by D.B.M.S. under these provisions will be treated as a variation of the Contract, *i.e.*, the Contractor will be debited with such materials at the "nominal prices" appearing in column (*a*) Table I., being the rates on which the Tender is based, and credited with whatever he has properly expended in railway or water carriage if such materials have been rail or water borne. The rates appearing in columns (*b*) and (*c*)

Table I. will be subject to the provisions of Clause 40 of the Conditions of Contract.

The Contractor will be responsible for the quantities of materials requisitioned from D.B.M.S. On completion of the Contract the quantity rightfully utilised or rightfully requisitioned will be ascertained by measurement or otherwise by the Architect or Quantity Surveyor. Should it then be shown that the Contractor has requisitioned and received through D.B.M.S. quantities of materials in excess of those rightfully utilised and rightfully requisitioned such excess quantities if not lying unused on the site will be debited against the Contractor at the respective rates appearing in column (*a*) Table I.; if such excess quantities are lying unused on the site the Architect may require the Contractor to take them over, pay, or submit to a debit for them at the respective prices in column (*a*) Table I. and forthwith remove them from the site. In any case no claims for carriage handling or cartage will be entertained for any materials requisitioned from D.B.M.S. and delivered on the site which are shown to be in excess of those rightfully utilised or rightfully requisitioned. The Contractor will not be held responsible for an over-requisition of materials due to any error in the Bills of Quantities which may not have been discovered in time to prevent such over-requisition.

The verification at the conclusion of the work of the quantities of materials supplied through D.B.M.S. which have been rightfully utilised or rightfully requisitioned shall not be prejudiced or affected and the Contractor not relieved from his responsibilities as regards excess quantities by the fact that his requisition for such materials made during the progress of the work shall have been certified and approved by the Architect in pursuance of foregoing provisions.

Materials requisitioned from D.B.M.S. will, as far as possible, be supplied at the following times or rates of delivery, which are hereby agreed between the parties as necessary for completing the works within the time or times contemplated in Clause 25 of the Conditions of Contract.

*Item.	Material.	Date of first delivery.	Subsequent times of deliveries and quantities.	Contractor's observations.
1				
2				
3				
4				
5				
Etc.				

* The Local Authority should insert opposite each item a time or rate of delivery. The contractor is invited to make his observations upon these proposals, and any variations are to be agreed upon before the contract is signed.

Every effort will be made both by D.B.M.S. and by Officers of the Government to ensure the fulfilment of the agreed programme of delivery, and in case of failure to deliver according to the agreed programme the Contractor will be allowed such extension of time as is reasonable to make up for any delay in deliveries, but no other claim by the Contractor shall be sustainable.

NOTE.

Attention is specially drawn to the alternative arrrangement, indicated on page 21, which provides for supply and delivery of materials by the Contractor without recourse to D.B.M.S. It is desired that this alternative should be adopted in all cases in which it does not entail increased expense.

TABLE I.

(Col. (*a*) is to be filled in by the Local Authority.)

Item No.	Description.*	Total Quantities to be supplied by D.B.M.S.	Unit Quantities.	(a)	(b)	Total of (a) and (b)	(c)
				"Nominal price," free on rail (f.o.r.) at the railway depot or free alongside (f.a.s.) at wharf or dock nearest to the site or to † railway depot or to † wharf or dock.	Unloading, loading, and carting from the railway depot, wharf or dock mentioned in Col. (a) and unloading and stacking or storage on the site, to suit the Contractor's convenience. Including also for Contractor's risk for materials under his charge from manufacturer's premises as provided for in this Schedule 4.		If the materials can be conveyed by road from the manufacturer's premises or depot directly on to the site of the works, the Contractor may insert in this column his own price for delivery from the manufacturer's permises or depot directly on to the site, including all handling charges at either end.
1	Bricks		Per thousand				
2	Slates		Per thousand (long tally)				
3	Drain Pipes ..		Per ft. run.				
4	Cement		Per ton.				
5 etc.	Glass... ...		Per ft. super.				

* The description of the items is to be amplified where necessary.

† Here fill in the name of any other depot, wharf or dock that may be suitable.

MATERIALS TO BE SUPPLIED BY THE CONTRACTOR.

The Contractor may be in a position to supply materials forming the subject of Items in Table I., and to deliver them on to the site at prices as favourable as or more favourable than those quoted in the total of Columns (*a*) and (*b*) Table I. If this should be the case the Contractor is invited to fill in prices for the respective materials in Table II. and the declaration at the foot thereof. If the Contractor has filled in this Table and materials are supplied by him, the prices in Table II. will not be subject to the provisions of Clause 40 of the Conditions of Contract.

TABLE II.

Item No.	Description.*	Unit Quantities.	Price quoted for supply by Contractor on to site including all charges.	Total quantity offered by Contractor.
1	Bricks.....	Per 1,000.....		
2	Slates.....	do.		
3	Drain pipes.....	Per ft. run.....		
4	Cement.....	Per ton.....		
5 Etc.	Glass.....	Per ft. super		

* The description of the items is to be amplified, where necessary.

If the prices in this Table are accepted, $\frac{\text{We}}{\text{I}}$ guarantee to supply all the materials of the respective kinds above mentioned and to the extent stated. $\frac{\text{Our}}{\text{My}}$ tender is based on the nominal prices in Table I. If the prices in Table II. are accepted, $\frac{\text{We}}{\text{I}}$ reduce the amount of $\frac{\text{our}}{\text{my}}$ tender by £

Signature .....

Address .....

.....

NOTE.—If Clause 40 is not included in the Conditions of Contract the remainder of this Schedule is to be deleted.

Items in Table III. are materials the supply of which is to be arranged for and made by the Contractor. The list is believed to be as complete as possible, and the Contractor is required to add to it if it is incomplete. No claim will be entertained under the provisions of Clause 40 of the Conditions of Contract for a variation in the sum payable in respect of the works comprised in the Contract or Sub-contracts on account of variations of the prices of materials or any delivery charges relating thereto if such materials are not scheduled in Table III. and prices affixed.

TABLE III.

Materials in state, condition or form ordinarily purchased by contractor or sub-contractors for conversion, manufacture, laying or fixing.

NOTE.—These nett rates, and where applicable the delivered rates in Tables I. and II., with the addition of the percentage inserted by the Contractor in the Tender, will also be used for the purpose of pricing day work materials as provided in Clause 15 of the Conditions of Contract, subject to the provisions of Clause 40.

Item No.	Description.	Unit Quantities	Price, including delivery to the site. £ s. d.
	Building Bricks	Per 1,000	
	Facing Bricks	" "	
	Plain Red Quarry Tiles 6in. by 6in.	" "	
	Grey Lime	Per ton	
	Blue Lias Lime	" "	
	Ground Mortar	" "	
	Chalk Lime	" "	
	Portland Cement	" "	
	Sand	Per yard cube	
	Ashes	" "	
	Clinker	" "	
	Hardcore Ballast	" "	
	Aggregate for Concrete in foundations	" "	
	Aggregate for Reinforced Concrete floors or lintels	" "	
	Slates for Damp Course	Per 1,000 of 1,200	
	Bitumen Damp Course	Per yard Supl.	
	Chippings for Granolithic Paving	Per ton	
	2½in. Concrete Flags	Per yard supl	
	Chimney Pots	Each	
	Cavity Ties	"	
	Drain Pipes, 12in.	Per yard	
	" " 9in.	" "	
	" " 6in.	" "	
	" " 4in.	" "	
	Agricultural Pipes, 3in.	" "	
	Junctions, 12in. by 9in.	Each	
	" 12in. by 6in.	"	
	" 9in. by 6in.	"	
	" 9in. by 4in	"	
	" 6in. by 6in.	"	
	" 6in. by 4in.	"	
	Bends, 9in.	"	
	" 6in.	"	
	" 4in.	"	
	Gullies with Tops and Grids 12in.	"	
	" " 9in.	"	
	" " 6in.	"	
	" " 4in	"	
	P. Traps, 4in.	"	
	Intercepting Traps, 6in.	"	
	" " 4in.	"	
	Taper Pipes, 6in. to 4in.	"	
	Manhole Covers	"	
	Step Irons	"	
	York Stone, 3in. by 9in., Thresholds	Per foot linl.	
	2½in. York Stone Self-faced Flags	Per yard supl.	
	Bath Stone	Per foot cube	
	York Stone	" "	
	Local Stone	" "	

TABLE III.—*continued.*

Item No.	Description.	Unit Quantities.	Price, including delivery to the site. £ s. d.
	Random Rubble	Per yard supl.	
	Coursed Rubble	,, ,,	
	Slates for Roofing	Per 1,000 of 1,200	
	Ridge Tiles to ditto	Per foot linl.	
	Red Roofing Tiles	Per 1,000	
	Hip or Valley Tiles	Per doz.	
	Red Lapped Ridge Tiles	Per foot linl.	
	Slate Battens	Per 100 feet linl.	
	Tile ,,	,, ,,	
	Timber for Carpentry	Per foot cube	
	,, Joinery	,, ,,	
	,, ,, 1in. thick	Per foot supl.	
	1in. square-edged Floor-boards	Per square supl.	
	1in. Tongued and grooved floor-boards	,, ,,	
	¾in. Matched and V-jointed boards	,, ,,	
	1in. ditto.	,, ,,	
	Oak, 3in. and above	Per cub. foot	
	Oak, 1in. thick	Per foot supl.	
	1in. White Deal, 11in. wide	Per foot linl.	
	1in. Rough boarding	Per sq. supl.	
	Nails	Per cwt.	
	Sawn Laths	Per bundle	
	Plaster	Per cwt.	
	Keene's Cement	,,	
	Expanded Metal	Per sq. yard	
	Grit for Rough Cast	Per ton	
	1in. Round Wire Lath Nails	Per cwt.	
	Hair	Per lb.	
	Milled Lead	Per cwt.	
	Drawn Leaden Pipes	,,	
	Plumbers' Solder	Per lb.	
	Fine Solder	,,	
	Copper Nails	,,	
	Pipe Hooks	,,	
	2in. Rain Water Pipes	Per yard linl.	
	2½in. ,, ,,	,, ,,	
	3in. ,, ,,	,, ,,	
	4in. Soil Pipes	,, ,,	
	4in. Branches for ditto	,, ,,	
	5in. Half-round Gutters	,, ,,	
	4½in ,, ,,	,, ,,	
	15oz. Glass	Per foot supl.	
	4in. Rough Plate Glass	,, ,,	
	White Lead	Per cwt.	
	Red Lead	,,	
	Putty	,,	
	Whiting	,,	
	Driers	Per lb.	
	Knotting	Per gall.	
	Boiled Linseed Oil	,,	
	Raw Linseed Oil	,,	
	Turpentine	,,	
	Varnish	,,	
	Glue Size	Per lb.	
	Hall's Distemper	Per cwt.	
	Duresco	,,	
	Liquor for Duresco	Per gall.	

Note.—The description and unit quantities inserted above are given tentatively only as illustrations. The local authority will compile the particulars according to the circumstances of the contract and locality.

Items supplied by D.B.M.S. are not to be included in this Table.

TABLE IV.

Nett Labour rates, exclusive of National Insurance and Workmen's Compensation insurance rates (if any) which will be separately dealt with.

Note.—These net rates, with the addition of the appropriate percentage inserted by the Contractor in the Tender, will also be used for the purpose of pricing day work labour as provided in Clause 15 of the Conditions of Contract, subject to the provisions of Clause 40.

Trade.	Rate	£	s.	d.
Bricklayer	Per hour			
Waller	.. ..			
Mason	.. ..			
Slater	.. ..			
Tiler	.. ..			
Carpenter	.. ..			
Joiner in the Shop	.. ..			
Machinist in the Shop	.. ..			
Smith	.. ..			
Smith's Mate	.. ..			
Plumber	.. ..			
Plumber's Mate	.. ..			
Plasterer	.. ..			
Painter	.. ..			
Glazier	.. ..			
Navvy	.. ..			
General Labourer	.. ..			
Timberman	.. ..			
Scaffolder	.. ..			
Horse and Cart and Man	Per day			
Horse and Cart if required for less than a day	Per hour			

Note.—The list of trades should be augmented, if necessary, according to the circumstances of the contract and locality.

FORM OF SURVEY OF HOUSING NEEDS.

The Ministry of Health have issued a form NO. D89 for the purposes of surveys by a local authority of their district under Section 1 of the Housing, Town Planning, &c. Act, 1919. A circular letter dated the 25th August, 1919, accompanied the issue of this form. This states :—

"Section VI. of the Form of Survey, when duly completed, will be regarded as the scheme under Section I. of the Act. It is not intended that this should be a detailed scheme with plans and estimates. It will be an outline or programme of the Local Authority's proposals, and will specify in approximate terms the number and types of the houses to be provided, the acreage of the land to be acquired, the localities in which building is to be undertaken, the number of houses to the acre, and the time within which the scheme, or any part of it, is to be carried into effect. Estimates of cost and of the rents to be charged will not be included at this stage, but will be submitted to the Minister before the scheme is finally approved (see Section I. (4) of the Act). The procedure for submitting the detailed building proposals is outlined in the Manual on State-aided Housing Schemes." It is hoped that local Housing Commissioners will be able materially to assist the Local Authorities in working out the details of their schemes.

COMPLETION OF SCHEMES BY INSTALMENTS.

The Ministry of Health, in a circular letter dated the 25th August, 1919, says: "Local Authorities will bear in mind the importance of completing at least a part of their programme at the earliest moment. It would be unnecessary and undesirable that the whole of the scheme should be delayed on account of any difficulties which may arise in giving effect to a particular section of the proposals. While the scheme as set out in the Form of Survey should comprise in outline the whole of the programme of the Council, there is no reason why the detailed proposals should not be submitted by instalments, and in many cases this will be the more practicable course.

WHAT RENTS ARE TO BE CHARGED.

In a memorandum dated the 7th August, 1919, The Ministry of Health say with reference to the Rents under an Assisted Housing Scheme under the Act of 1919, "In view of the present high cost of building it is not anticipated that it will be possible to charge an economic rent, (*i.e.*, one which gives a fair return on capital cost) in respect of the new houses and it is for this reason that the Government is giving the financial assistance already mentioned. Local Authorities should, however, obtain as high rents as can reasonably be charged, and in fixing them should take into consideration not only the rents which are

being paid in the locality for houses of a similar class, but also the fact that they are providing better houses with greater amenities than is usually the case, and by the end of seven years (by which time the cost of building is expected to be only two-thirds of the present cost) local authorities should obtain rents which would represent an economic return on houses built at that date."

In a circular dated the 25th August, 1919, the Ministry of Health say :—So far as regards the erection of new houses the provisions of the Act extend only to the housing of the working classes. It has not been thought desirable to attempt to frame a statutory definition of the term "working classes," but it is intended that this term should be liberally interpreted and that no rigid criterion should be adopted. the types of houses which the Ministry would be prepared to approve are described and illustrated by typical plans in their Manual on State-aided Housing Schemes. As stated in the Manual, "these plans have been prepared with due regard for the areas desirable for the different rooms. They are only for a general guidance and are not intended to hamper initiative or to prevent full expression being given to local customs and traditions, or the use of local building materials."

DELEGATION OF POWERS TO LOCAL HOUSING COMMITTEES.

In a memorandum dated the 7th August, 1919, the Ministry of Health say : "Every local authority should at once, if it has not already done so, appoint a housing committee and delegate to it wide powers. Under the new Act the power of entering into a contract is among the powers which may be so delegated. The committee may consist partly of persons who are not members of the local authority and it would usually be desirable that some of these should be women. The immediate business of the committee will be to progress as rapidly as possible with any schemes in hand, to ascertain the needs of the area as regards new houses, to see what houses should be closed or demolished and what slum areas cleared, and to prepare schemes for the purpose where this has not already been done. The important matter is to have houses built. At the earliest possible moment work should be started, there being no need to wait until a scheme has been sanctioned in all its stages before making a beginning. Sewering, street works and the like may be started as soon as the lay-out has been sanctioned and the tenders for that work approved. Moreover, without waiting for the complete scheme, any portions of it which are urgent or on which work can be commenced quickly should be submitted immediately, so that the actual erection of houses, even if few in number at first, may be begun." In a circular letter dated 25th August, 1919, the Ministry of Health point out that an amendment to Section 81 of the Act of 1890 enables the Committee to co-opt persons who are not members of the Council, and to enter into contracts on behalf of the Council. It is desirable that some of the co-opted members should be women.

APPEAL PROCEDURE—RULES, 1919.

The Housing Acts (Appeal Procedure) Rules, 1919, made by the Minister of Health with reference to Procedure on Appeals under section 39 of the Housing, Town Planning, &c., Act, 1909.

The Minister of Health, under the powers conferred on him by section 39 of the Housing, Town Planning, etc., Act, 1909, and all other powers enabling him in that behalf, hereby revokes the Rules with reference to Appeals made by the Local Government Board on the 11th day of January, 1910, and makes the following Rules:—

Article I.—These Rules may be cited as "The Housing Acts (Appeal Procedure) Rules, 1919."

Article II.—(1) An appeal to the Minister of Health under Part I. of the Housing, Town Planning, etc., Act, 1909, shall be made by sending to the Minister a notice of appeal in the form prescribed by the Housing Acts (Form of Orders and Notices) Order, 1919, signed by the appellant or by his duly authorised agent, together with the original notice, order, or demand appealed against or a true copy thereof.

(2) The appellant shall notify the local authority forthwith of any appeal to the Minister of Health.

(3) The appellant shall send to the Minister either with his notice of appeal, or within fourteen days thereafter, a concise statement in writing of the facts and contentions on which he relies.

(4) The appellant shall deposit with the Minister within fourteen days from the date of his notice of appeal the sum of ten pounds, provided that the Minister may, if he thinks fit, require the deposit of a less sum than ten pounds or may dispense with the deposit.

Article III.—The Minister shall, as soon as may be after receipt of the statement aforesaid, send to the local authority a copy of the notice of appeal and of the said statement.

Article IV.—The local authority shall, within ten days after the receipt by them of the said notification, inform the Minister whether and to what extent they admit the facts stated in the appellant's documents, and shall send to the Minister a concise statement of the facts and contentions on which they rely.

Article V.—(1) The Minister may at any stage of the proceedings allow the amendment of any notice, statement, or particulars on such terms as he may think fit.

(2) The Minister may at any time require the appellant or the local authority to furnish in writing such further particulars as he may think necessary.

Article VI.—The Minister shall not dismiss any appeal without having first held a public local inquiry, unless the appellant has failed to prosecute his appeal with due diligence, in which event the Minister may determine the appeal summarily.

Article VII.—The costs of any appeal, including the costs of any public local inquiry held in connection therewith, shall be in the discretion of the Minister, who may direct to and by whom and in what manner those costs or any part thereof shall be paid and may tax or settle the amount of costs to be so paid or any part thereof.

Article VIII.—The Minister may, if he thinks fit, and subject to such conditions as he may impose, proceed with the consideration of any appeal notwithstanding any failure or omission by any person to comply with any of the requirements of these Rules.

Given under the Official Seal of the Minister of Health, this Tenth day of October, in the year One thousand nine hundred and nineteen.

[L.S.] I. G. GIBBON,
Assistant Secretary, Ministry of Health.

TEMPORARY RELAXATION OF BYE-LAWS.

The Ministry of Health (Temporary Relaxation of Building Bye-laws) Regulations, 1919, dated the 13th day of October, 1919, made by the Minister of Health under section 25 of the Housing, Town Planning, &c., Act, 1919.

The Minister of Health, in pursuance of the powers conferred on him by sub-section (1) of section 25 of the Housing, Town Planning, etc., Act, 1919, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as "The Ministry of Health (Temporary Relaxation of Building Bye-laws) Regulations, 1919."

2. A Local Authority, notwithstanding the provisions of any building bye-laws,* may, during a period of three years from the 31st day of July, 1919, consent to the erection and use for human habitation of any building erected or proposed to be erected, which complies with the conditions set out in the Schedule hereto.

3. The deposit to be received from a person appealing to the Minister of Health against the neglect or refusal of a Local Authority to give such consent as aforesaid, or against the conditions on which such consent is given or against the decision of the Local Authority as to the period for which the building may be allowed to be used for human habitation, shall be the sum of ten pounds: provided that the Minister of Health may in any case, if he thinks fit, require a deposit of less than ten pounds or may dispense with a deposit.

SCHEDULE.

Conditions to be complied with in the case of buildings to be used for human habitation which do not comply with the bye-laws.

1. The whole ground or site of the building within the external walls shall, wherever the dampness of the site or the nature of the soil renders this precaution necessary, be covered with a layer of good cement concrete at

* Section 40 of the Housing, Town Planning, &c., Act, 1919, enacts that, for the purposes of Part I. of the Act, the expression "Building bye-laws" includes bye-laws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any subsequent enactment, with respect to new buildings, including the drainage thereof and new streets, and any enactments in any local Acts dealing with the construction and drainage of new buildings and the laying-out and construction of new streets, and any bye-laws made with respect to such matters under any such local Act.

least 4 inches thick finished shovel face. Provided that this condition need not be complied with in the case of a building already erected at the date of the making of these Regulations and not subsequently re-erected.

2.—(1) Each external wall of the building shall either:—

(a) to a height of not less than 6 inches above the surface of the ground adjoining the wall be constructed of good cement concrete not less than 6 inches thick, or of brickwork composed of good whole bricks not less than 4½ inches thick, all brickwork or stonework in the wall to be properly bonded and solidly put together with good lime or cement mortar; or

(b) be carried at a height not less than 6 inches above the surface of the ground adjoining upon sufficient piers constructed of good bricks, stone, or other hard and suitable materials similarly bonded and put together, or of good cement concrete.

(2) Each external wall or pier of the building shall rest on concrete or on some other solid and sufficient foundation.

(3) Each external wall of the building shall be provided with a proper damp-proof course of asphalte, or slates laid in cement, or of some other not less durable material impervious to moisture, beneath the level of the lowest floor and of the lowest timbers, and at a height of not less than 6 inches above the surface of the ground adjoining the wall.

(4) Provided that the foregoing requirements of this section shall not apply to any building already erected at the date of the making of these Regulations, and not subsequently re-erected, which rests upon wooden piles, or similar supports, of sufficient strength and in sound condition.

3. Every external wall of the building shall be constructed of good and suitable material and so as to be of sufficient stability and weather-proof.

4. The roof of the building shall be so constructed and supported as to be of sufficient stability and shall be covered externally with suitable fire-resisting and weather-proofing material.

A ceiling of good plaster or other suitable material shall be provided over every habitable room, and where the room is partly in the roof, the soffits of the roof shall be ceiled off with good plaster or other suitable material.

5. Where the building is intended to form two or more dwellings, the dwellings shall be separated by solid partitions of incombustible material not less than 3 inches thick, carried up to the under side of the roof-covering and resting throughout their entire length on solid continuous walls which as regards construction and damp-proof course shall comply with the provisions of section 2 of this Schedule.

Given under the Official Seal of the Minister of Health this Thirteenth day of October in the year One thousand nine hundred and nineteen.

[L.S.] I. G. GIBBON,
Assistant Secretary, Ministry of Health.

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